United Nations A/55/PV.41

General Assembly
Fifty-fifth session

Official Records

41 st plenary meeting
Thursday, 26 October 2000, 10 a.m.
New York

President: Mr. Holkeri ..... (Finland)

The meeting was called to order at 10. a.m.

Agenda item 122 (*continued*)

Scale of assessments for the apportionment of the expenses of the United Nations

Report of the Fifth Committee (A/55/521)

The President: If there is no proposal under rule 66 of the rules of the procedure, I shall take it that the General Assembly decides not to discuss the report of the Fifth Committee that is before the Assembly today.

It was so decided

The President: Statements will therefore be limited to explanations of vote.

The positions of delegations regarding the recommendation of the Fifth Committee have been made clear in the Committee and are reflected in the relevant official records.

May I remind Members that, under paragraph 7 of decision 34/401, the General Assembly agreed that

> "When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, i.e., either in the Committee or in plenary meeting unless that delegation's vote in plenary meeting is different from its vote in the Committee."

May I remind delegations that, also in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes.

Before we begin to take action on the recommendations contained in the report of the Fifth Committee, I should like to advise representatives that we are going to proceed to take a decision in the same manner as was done in the Fifth Committee.

The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 7 of its report.

The Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 55/5).

The President: We have thus concluded this stage of our consideration of agenda item 122.

Agenda item 16 (*continued*)

Elections to fill vacancies in subsidiary organs and other elections

(c) Election of the United Nations High Commissioner for Refugees

Note by the Secretary-General (A/55/519)

The President: By its resolution 52/104 of 12 December 1997, the General Assembly decided to

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

00-71161 (E)

continue the Office of the United Nations High Commissioner for Refugees (UNHCR) for a further period of five years, from 1 January 1999 to 31 December 2003.

By its decision 53/305 of 29 September 1998, the General Assembly, on the proposal of the Secretary-General contained in document A/53/389, extended the term of office of Mrs. Sadako Ogata as United Nations High Commissioner for Refugees for a period of two years, beginning on 1 January 1999 and ending on 31 December 2000.

In conformity with the procedure established by paragraph 13 of the statute of the Office of the United Nations High Commissioner for Refugees, the Secretary-General proposes to the General Assembly that it elect Mr. Ruud Lubbers of the Netherlands as United Nations High Commissioner for Refugees for a period of three years, beginning on 1 January 2001 and ending on 31 December 2003.

May I consider that the General Assembly approves the proposal contained in document A/55/519 and declares Mr. Ruud Lubbers of the Netherlands elected United Nations High Commissioner for Refugees for a period of three years, beginning on 1 January 2001 and ending on 31 December 2003?

It was so decided.

The President: I should like, on behalf of the Assembly, to congratulate Mr. Ruud Lubbers of the Netherlands on his election.

Mr. van Walsum (Netherlands): I would like to express my deep appreciation to the Secretary-General for having nominated a national of my country to the office of United Nations High Commissioner for Refugees and to the Member States for having endorsed that nomination. I am sure that Mr. Lubbers will prove himself a worthy successor, not only to Mrs. Ogata but also to all of her predecessors who have together lent the office of the High Commissioner its pre-eminence in the United Nations family.

The Netherlands has always been deeply committed to the Office of the United Nations High Commissioner for Refugees, and it seems only fair that we are asked to supply the person of the High Commissioner with a certain regularity. It is exactly half a century ago, effective as of 1 January 1951, that another national of the Netherlands, Gerrit Jan van Heuven Goedhart, was elected the first-ever United Nations High Commissioner for Refugees. Three years later, in 1954, the Office was awarded the Nobel Peace Prize. Thank you, Mr. President, for having given me the opportunity to recall this.

Mr. Yachi (Japan): On behalf of the Government of Japan, I would like to congratulate Mr. Lubbers on his election as next year's United Nations High Commissioner for Refugees. With his renowned leadership, we are confident that he is going to make an excellent leader of the Office of the United Nations High Commissioner for Refugees (UNHCR).

We would also like to congratulate the Netherlands on the election of its former Prime Minister to be the High Commissioner for Refugees. As we all know, the Netherlands is one of the major donor countries to UNHCR. With all this in mind, we want to congratulate both the Government and the people of the Netherlands on this election.

I am sure that Mr. Lubbers is going to make an able successor to Mrs. Ogata, who through her devotion and excellent leadership has been has doing an excellent job in tackling the refugee issues.

The President: This concludes our consideration of sub- item (c) of agenda item 16.

Agenda item 13

Report of the International Court of Justice

Report of the International Court of Justice
(A/55/4)

The President: May I take it that the General Assembly takes note of the report of the International Court of Justice?

It was so decided.

The President: At the Millennium Summit the heads of State and Government stated:

> "We resolve ... to strengthen respect for the rule of law in international as in national affairs and, in particular, to ensure compliance by Member States with the decisions of the International Court of Justice, in compliance with the Charter of the United Nations, in cases to which they are parties." *(resolution 55/2, Millennium Declaration, para. 9)*

As the President of the General Assembly I have emphasized that it is now for the Member States to take action and implement the outcome of the Summit. The International Court of Justice has a prominent role in strengthening the international legal order and contributing to the peaceful settlement of disputes.

The report before us demonstrates that States are increasingly willing to submit disputes for the Court's consideration and that there is a growing move towards judicial settlement of international disputes. Another positive development worth mentioning is the increased knowledge and recognition of the Court's work and reasoning. This development is largely thanks to the new information technology, including through the Web site of the International Court of Justice.

But much still remains done. States could, for instance, make wider use of the optional clause in the Court's Statute. I hope that more States will place their trust in the Court by unilaterally recognizing its jurisdiction as binding.

Further, the report's account of the financial situation of the Court makes it very clear that the Court needs more resources to enable it to cope with its increased workload. According to the report, the current budget of just over $10 million per year is lower that the 1946 budget, while the Court's activities have increased a great deal since then. Many have expressed valid concerns that the limited resources may impede the Court in performing its functions as the principal judicial organ of the United Nations. It would be consistent if the expansion of the scope of the Court's activities — which has been demanded for so long — were now matched by adequate funding.

The International Court of Justice is not the only international tribunal now at work. Recent years have witnessed the establishment of several new international courts of law. Some, like the International Tribunal for the Law of the Sea, may deal with matters that can also fall within the jurisdiction of this Court. Others, like the ad hoc tribunals for the former Yugoslavia and Rwanda, as well as the future International Criminal Court, may deal with cases that cannot be brought before the International Court of Justice. All these courts contribute to the strengthening of the rule of law.

Recent developments in international political relations have facilitated recognition of the jurisdiction of international courts. The world has turned from mere coexistence to cooperation. One of the ways in which this is reflected is in the willingness on the part of the States to take their disputes to the International Court of Justice. There is a growing consensus that it is in the interest of all parties to have their disputes resolved through a binding third-party settlement.

The International Court of Justice has significantly strengthened the rule of law in international relations and contributed to respect for law and to international peace and security. It is well recognized that the influence of the Court also extends beyond its formal limits, thanks to the prestige and authority that the Court enjoys in the eyes of the world.

The International Court of Justice deserves the full support of all the Members of the United Nations.

I now call on Mr. Gilbert Guillaume, President of the International Court of Justice.

Mr. Guillaume (International Court of Justice) (*spoke in French*): It is an honour for me to address the General Assembly today on the occasion of its examination of the report of the International Court of Justice for the period 1 August 1999 to 31 July 2000.

Allow me at the outset to thank you, Sir, for the precious words of encouragement that you lavished on me during your introduction of this agenda item. I am particularly pleased to take the floor during your presidency. Your political experience, your talents as mediator and your feeling for consensus will be valuable assets for the Assembly.

Over the last decades Finland has displayed great wisdom in circumstances that have been delicate at times. Recently we witnessed further evidence of this in The Hague, when in 1992, in accordance with our expressed desire, Finland came to a friendly settlement of its dispute with Denmark over the construction of a bridge over the Great Belt. It is now the turn of the General Assembly, after the Court, to enjoy the benefit of this wisdom.

My predecessors at this rostrum — particularly the most recent of them, Presidents Bedjaoui and Schwebel — have offered an annual review of the Court's activities and of the progress achieved and problems encountered in international justice. This firmly established tradition is to be commended and I am most honoured to speak to the Assembly in my turn.

I will not impose on the Assembly a further reading of the written report before it. This year, for the first time, the report is preceded by a summary, which I hope the Assembly will find useful. I will point out, however, that the Court worked at a sustained pace over the past year.

First, in a Judgment of 13 December 1999, it ruled in a dispute that had been submitted to it in May 1996 by Botswana and Namibia concerning Kasikili/Sedudu Island. It found that the island belongs to Botswana, but stated that, in the two channels around Kasikili/Sedudu Island, the nationals of, and vessels flying the flags of, the Republic of Botswana and the Republic of Namibia shall enjoy equal national treatment.

Next, in a Judgment of June 21 2000, the Court found that it had no jurisdiction to entertain the Application filed in September 1999 by the Islamic Republic of Pakistan against India as a result of the destruction of a Pakistani aircraft. The Court did, however, remind the parties of their obligation to settle their disputes by peaceful means in accordance with Article 33 of the Charter.

Acting on a request by the Democratic Republic of the Congo for the indication of provisional measures against Uganda, on 1 July 2000 the Court indicated various measures to be taken by the two parties, especially in the area of Kisangani.

The Court also made 10 Orders and heard five weeks of oral arguments in the case between Qatar and Bahrain. It has at last begun its deliberations in that case.

It has also set a date in November this year for hearings in the LaGrand case between Germany and the United States and on a request for the indication of provisional measures made by the Democratic Republic of the Congo against Belgium.

Thus, the Court has been able to consider or begin its consideration of all cases that have been ready for hearing. Unfortunately, the coming months promise to be more difficult. While 10 cases appeared on the Court's List in 1994 and 12 in 1998, we saw an increase to 25 in late 1999, a new record in the annals of international justice. Twenty-four of these remain on the docket today.

These cases cover a very wide range. Four of them concern land or maritime boundary disputes between neighbouring States. They involve Qatar and Bahrain, Cameroon and Nigeria, Indonesia and Malaysia, and Nicaragua and Honduras. This is a classic but complex kind of dispute which calls for detailed consideration of numerous geographical and historical factors and requires a solution to sensitive problems. It is also, however, the kind of dispute in which the Court has played and continues to play an important role and makes an eminent contribution to maintaining international peace and security.

Another classic form of dispute involves cases in which a State complains before the Court of the manner in which one of its nationals has been treated by another State. Three cases in this category are now on our List — one between Germany and the United States, another between Guinea and the Democratic Republic of the Congo and a third, filed last week, between the Democratic Republic of the Congo and Belgium.

The case concerning the Gabčikovo-Nagymaros Project between Hungary and Slovakia involves a dispute over a river of a kind that is also familiar to the Court. The Court rendered a Judgment in principle in that case in 1997 and the parties are now working to agree on the modalities for its implementation.

Other cases relate to events that have also been the subject of discussion or decisions of the General Assembly or the Security Council. The Libyan Arab Jamahiriya has brought cases before the Court concerning disputes between it and the United States and the United Kingdom relating to the explosion of an American civil aircraft over Lockerbie, Scotland. The Islamic Republic of Iran has brought proceedings before the Court concerning the destruction of oil platforms by the United States in 1987 and 1988. By two separate Applications, Bosnia and Herzegovina and Croatia have sought rulings against Yugoslavia for violating the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. Yugoslavia itself is proceeding against 10 States members of the North Atlantic Treaty Organization, challenging the legality of their actions in Kosovo. Two of these Applications were dismissed *in limine litis* on the basis of a manifest lack of jurisdiction. Eight remain to be considered. Finally, the Democratic Republic of the Congo has claimed before the Court that it has been the victim of armed aggression by Burundi, Uganda and Rwanda.

As we can see, these disputes come from all corners of the world. Ten of them are between European States, concerning the Balkan situation for the most part. One relates to Latin America and two to Asia. Six are intercontinental in nature and five relate solely to African States. The Court is particularly pleased to note that African States are turning ever more frequently to it.

Much attention has been given to the reasons for the International Court's renewed vitality. Various technical factors have been advanced: the establishment of Chambers of the Court; improved procedures; creation by the United Nations Secretary-General of a fund to provide assistance in the judicial settlement of disputes; the greater confidence of States, inspired by the Court's development of jurisprudence. Each of these factors has played a role, but I believe that the essential reason is to be found elsewhere. History shows that judicial settlement is more easily accepted and is even in greater demand when the international arena is calmer. Conversely, in periods of heightened tension, States are less inclined to have recourse to courts. The Permanent Court of International Justice heard many cases during the 1920s, but its courtroom fell silent in the 1930s. The International Court of Justice also saw limited activity in the 1970s; it is being called upon more often and is more active today than ever before.

Aware of this development and anxious to adapt to it, the Court has for several years been taking those measures within its power to respond to this situation. First, it set up a committee to rationalize the work of the Registry. The committee recommended various measures that have been progressively implemented. The Court has also taken giant steps in modernizing its working and communication methods through the use of new information technologies, including the launching of a highly successful web site, to which you referred, Mr. President, with an average of nearly 2,000 visits a day and sometimes 20,000 on peak days.

The Court has also sought increased cooperation from the parties in the functioning of justice. In particular, it has informed them of its desire to see a decrease in the number of memorials exchanged, in the size of annexes to the memorials and in the length of pleadings. The Court's comments have had the desired effect in some new cases. In the case between Germany and the United States, the Court was glad to see the number of written memorials limited to one document from each party and the oral arguments limited to one week. In other cases, however, the case files remain disturbingly voluminous. The documentation in the *Bosnia and Herzegovina* v. *Yugoslavia* case is several thousand pages long, and one of the parties has sought to call hundreds of witnesses. In addition, the proliferation of preliminary objections, counter-claims and requests for the indication of provisional measures has encumbered many cases.

In 1997 the Court adopted various decisions concerning its own deliberations on which President Schwebel reported to the Assembly at that time. The Court has pursued this course. While the judges normally prepare written notes setting out their opinions before all deliberations, this procedure has been abandoned on an experimental basis, not only for the consideration of urgent requests for provisional measures, but also in cases concerning the Court's jurisdiction or the admissibility of applications. On several occasions the Court has begun the consideration of several cases at the same time. For example, last June, when Bahrain and Qatar were presenting their oral arguments, the Court was deliberating on the case between India and Pakistan and the provisional measures sought by the Democratic Republic of the Congo.

These steps will not, however, be enough to cope with the situation in coming years. The Court's financial and human resources are no longer sufficient for it to carry out its task properly. If it does not receive the necessary resources, it will find itself obliged, beginning in 2001, to delay passing judgement in a number of cases that will be ready for decision. From 2002 those delays may well last several years in some cases. This is not acceptable. Justice delayed is justice denied. Moreover, such long delays will erode not only the Court's function of resolving disputes, but also its very role in preventing and resolving international crises and, to be frank, in maintaining peace and security.

The Court is well aware of the financial difficulties of the United Nations. It has taken them into account in the past in limiting its requests, and it is sincerely grateful to the Assembly for granting it four additional posts in 1999. The current growth in litigation will, however, require much greater increases in staff. Unlike other United Nations organs, the Court cannot adapt its programmes to its resources; the

resources must be adjusted to meet the legitimate expectations of the States that turn to it.

The Advisory Committee on Administrative and Budgetary Questions was aware of this in 1999, for it commended the Court "for action taken to address increasing workload in the context of budgetary stringency" (*A/54/7, para. III.2*) and recommended

> "that the resource implications of [a dramatic increase in the number of cases] be reviewed in order to ensure that the ability of the Court to discharge its mandate is not adversely affected." (*ibid., para. III.3*)

The General Assembly itself noted with concern when the Court's most recent budget was adopted

> "that the resources proposed for the International Court of Justice are not proportionate with the workload envisaged, and requests the Secretary-General to propose adequate resources ... in the context of the proposed programme budget for the biennium 2002-2003, commensurate with its increased workload and the large backlog of volumes of Court documents". (*resolution 54/249, para. 89*)

The Court's annual budget is now slightly over $10 million — less than 1 per cent of the Organization's budget, which is a lower percentage than in 1946. The budget of the International Tribunal for the Former Yugoslavia is nearly $100 million for 2000, or roughly 10 times the Court's budget. The Tribunal's Registry has nearly 800 staff, while the Court's has only 61. Admittedly, the tasks of two judicatures are not wholly comparable. But those figures make it clear that States can support the work of international courts when they have the will to do so.

To meet its needs, the Court will request supplementary credits and a budget increase of the order of $3 million per year for the next biennium, 2002-2003. Its budget would thus increase to slightly more than $26 million for the two years, and its staff would be increased by 38, which would mean a Registry that still did not amount to 100 people.

Having to deal with case files some of which run to 5,000 or 7,000 pages and to conduct the lengthy hearings that are sometimes unavoidable, the judges cannot deliberate on more than two or three cases a year without appropriate assistance. Most national supreme courts provide law clerks to assist the judges by, inter alia, conducting the necessary research on case law and scholarly literature. The same is true in most international courts: the European Court of Justice, where each judge is assisted by three clerks; the European Court of Human Rights, for which the creation of law clerk positions is provided for in Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms; and the International Tribunal for the Former Yugoslavia, where each judge has a clerk. The same solution is needed for the International Court of Justice.

The Registry will be unable to perform its work without a significant increase in its staff. The Language Department has only six posts (including that of the head of department). The Finance Division has only two professional-grade posts, as does the Department of Press and Information Services. Several heads of department do not have secretaries and some judges must share a secretary. Although the President does have a secretary, he does not enjoy any other administrative or legal assistance.

It is therefore a real cry of alarm that I am obliged to place before the Assembly today. In many countries, the judiciary presides in sumptuous historic palaces, but at times lacks the financial resources necessary for it to perform its function. That is the case of the International Court of Justice. It is for the Assembly to decide whether the Court, the principal judicial organ of the United Nations, is to die a slow death or whether the Assembly will give it the wherewithal to live.

I do not however wish to stop here in this examination of international courts of law.

There is a problem that my predecessors have also pointed out and I would like briefly to bring to your attention today: the problem raised for international law and for the international community by the proliferation of international courts.

This phenomenon is in part a response to changes in international relations. It reflects greater confidence in justice and makes it possible for international law to develop in ever more varied spheres.

It does however bring with it problems which I will address in more detail before the Sixth Committee. First, it leads to cases of overlapping jurisdiction, opening the way for applicant States to seek out those

courts that they believe, rightly or wrongly, to be more amenable to their arguments. This forum shopping, as it is usually called, may indeed stimulate the judicial imagination, but it can also generate unwanted confusion. Above all, it can distort the operation of justice, which, in my view, should not be made subject to the law of the marketplace.

Overlapping jurisdiction also exacerbates the risk of conflicting judgements, as a given issue may be submitted to two courts at the same time and they may hand down contradictory judgements. National legal systems have long had to confront these problems. They have resolved them, for the most part, by creating courts of appeal or review. In this regard, the international system is very deficient.

Finally, the proliferation of international courts gives rise to a serious risk of conflicting jurisprudence, as the same rule of law might be given different interpretations in different cases. This is a particularly high risk, as we are dealing with specialized courts, which are inclined to favour their own disciplines. Several examples of this may already be cited. Thus, in ruling on the merits of the Tadic case, the International Tribunal for the former Yugoslavia recently disregarded case-law formulated by the International Court of Justice in the dispute between Nicaragua and the United States. The Court had found that the United States could not be held responsible for acts committed by the contras in Nicaragua unless it had had "effective control" over them. After criticizing the view taken by the Court, the Tribunal adopted a less strict standard for Yugoslavia's actions in Bosnia and Herzegovina and replaced the notion of "effective" control with that of "overall control", thereby broadening the range of circumstances in which a State's responsibility may be engaged on account of its actions on foreign territory.

Regardless of what one might think of this solution, the contradiction thus created gives clear evidence of the risks to the cohesiveness of international law raised by the proliferation of courts.

What can be done to ensure that this situation does not give rise to serious uncertainty as to the content of the law in the minds of players on the international stage and does not ultimately restrict the role of law in inter-State relations?

An initial comment on this point would appear necessary. Before creating a new court, an international legislative body should, I think, ask itself whether the functions it intends to entrust to the judge could not properly be fulfilled by an existing court.

Judges themselves must realize the danger of fragmentation in the law, and even conflicts of case-law, born of the proliferation of courts. A dialogue among judicial bodies is crucial. The International Court of Justice, the principal judicial organ of the United Nations, stands ready to apply itself to this end if it receives the necessary resources.

Relying exclusively on the wisdom of judges might not be enough however. The relationships between international courts should, in my view, be better structured.

With this in mind, it has at times been suggested that the Court should serve as a court of appeal or review for judgements rendered by all other courts. This would undoubtedly be an ideal solution but it would require a strong political will on the part of States and I am not certain that such a will exists.

Another mechanism was referred to last year by my predecessor, in this very Assembly, and I think it is appropriate to come back to it today. In order to reduce the risk of differing interpretations of international law, would it not be appropriate to encourage the various courts to seek advisory opinions in some cases from the International Court of Justice by way of the Security Council or the General Assembly?

This procedure could be adopted even for those international courts that are not organs of the United Nations, such as the International Tribunal for the Law of the Sea and the future International Criminal Court. The Council of the League of Nations made requests for advisory opinions on behalf of other international organizations and it is difficult to see why the General Assembly could not do the same. Perhaps it could, by means of an appropriate resolution, urge not only the courts it has established but also those outside the United Nations system, to turn to the Court through the General Assembly.

The international community needs judges. It needs judges who have at their disposal the resources necessary to perform their functions. It needs judges acting in the service of the law.

I assure the Assembly that the International Court of Justice will continue in this spirit to perform those duties which are currently assigned to it and it stands ready to fulfil such others as may be entrusted to it. It

is counting on the Assembly's assistance to achieve those ends.

Mr. Yachi (Japan): It is a great pleasure and honour for me to address the Assembly, on behalf of the Government of Japan, under your presidency, Sir.

My delegation would like to take this opportunity to congratulate Judge Gilbert Guillaume on his election as President of the International Court of Justice in February this year. We are confident that under his excellent leadership the Court will effectively tackle the difficult cases brought before it. My delegation would also like to express its appreciation to Judge Stephen Schwebel, former President of the Court, for his valuable contributions.

We have just heard President Guillaume's excellent, detailed report on the current situation of the International Court of Justice. As President Schwebel said in his report last year, the Court has firmly established its status as the world's most senior judicial body. It is the principal judicial organ of the United Nations, having a long history, the broadest material jurisdiction and the most refined jurisdictional jurisprudence. It is noteworthy that Their Majesties the Emperor and Empress of Japan, as a demonstration of the high esteem in which they hold the Court, visited it on the occasion of their official visit to the Netherlands in May this year. We are grateful for the warm welcome the Court extended to Their Majesties and the kind acknowledgement of their visit in its report.

The importance of the rule of law in international society cannot be overstated. Indeed, as we witness the regrettable increase in the number of regional conflicts that have broken out since the end of the cold war, Japan believes the rule of law will become even more important in the twenty-first century. The goal of establishing and maintaining the primacy of an integrated body of international law is essential. Under the current situation, in which world realities are changing at an increasing speed, the role of the International Court of Justice as a credible mechanism for promoting international peace and security is becoming ever more important. It is incumbent upon Member States to make the utmost efforts to cooperate in contributing towards the effective functioning of the Court.

Talk without appropriate action is meaningless. Governments should act according to their avowed principles. The importance of strengthening the role of the International Court of Justice has been stressed for many years. Back in 1974, the General Assembly adopted a resolution concerning a review of the Court's role, recognizing the desirability of States studying the possibility of accepting the compulsory jurisdiction of the International Court of Justice. The resolution draws the attention of States to the advantage of inserting in treaties clauses providing for the submission of disputes to the International Court of Justice and to the possibility of making use of the chambers. It also recommends the utilization of the advisory opinion by United Nations organs.

In 1989, on the initiative of then Secretary-General Javier Pérez de Cuéllar, the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice was created. In 1992 then Secretary-General Boutros Boutros-Ghali pointed out in his "Agenda for Peace" the increased importance of the role of the Court as a means of settling international disputes. He encouraged Member States to accept the general jurisdiction of the Court, without reservation, before the end of the United Nations Decade of International Law in the year 2000 to utilize the chambers jurisdiction, and to support and promote utilization of the Trust Fund. Since 1993 enhancement of the role of the International Court of Justice has been mentioned in the resolution on the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. Last year the General Assembly adopted a resolution specifically on the issue of strengthening the International Court of Justice. But how much have we actually achieved?

My delegation believes that fostering peace through the adjudicated settlement of international disputes and the development of the body of international law has become an irrefutable universal value. That Japan is dedicated to the principle of the peaceful settlement of disputes is reflected in the fact that it is among the States which accepted the Court's compulsory jurisdiction by the deposit of a declaration to that effect, in accordance with paragraph 2 of Article 36 of the Statute of the International Court of Justice.

As a country resolutely devoted to peace and firmly dedicated to respect for international law, Japan has been supportive of the various appeals made by the Court or other bodies that promote the dissemination of international law. For instance, since as early as 1970 Japan has continuously made financial contributions to

the Hague Academy of International Law for its traditional programme of summer courses and general activities. Also Japanese scholars have lectured at the Academy.

In the belief that disputes should be resolved through litigation rather than by fighting, Japan has been making annual contributions since 1991 to the Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice. Its total contribution to date amounts to $228,000. Incidentally, my delegation would like to take this opportunity to make its legitimate request to the Secretariat of the United Nations to provide annual reports on the activities of the Fund to the General Assembly. My delegation has no doubt that the countries that have received assistance through the Fund are grateful for it and that the Fund is being used effectively. The Government of Japan wishes to continue making annual contributions to the Fund as a way of promoting the peaceful settlement of disputes. At the same time, however, it must remain accountable to the Japanese taxpayers. That is why my delegation is requesting the Secretariat to provide the General Assembly with annual reports on the activities of the Fund and its financial status, as stipulated in paragraph 15 of the Terms of Reference, Guidelines and Rules of the Fund. Only if transparency is maintained in the Fund's operations will the Government be able to continue to support its worthy activities.

Moreover, in response to an appeal of the International Court of Justice, last year Japan contributed $40,000 to the establishment of a Court museum. My delegation sincerely hopes that the museum will help to enhance the Court's illustrious history in serving the peaceful settlement of disputes since the first Peace Conference of 1899, as well as the work and achievements of its predecessor, the Permanent Court of International Justice.

Japan's commitment to the Court is also reflected in the highly qualified personnel it provides to the Court. As noted by President Guillaume in his welcoming speech at the time of Their Majesties' visit, Japan's long history of contribution to world jurisprudence through its lawyers and legal scholars dates back to the creation of the Permanent Court of International Justice. During the Permanent Court period, three eminent Japanese lawyers served as judges.

After the International Court of Justice was created, Judge Tanaka was the first Japanese to serve on it. Currently, Judge Oda is serving on the Court; his third term will end in February 2003.

On behalf of the Government of Japan, I should like to take this opportunity to announce that it has decided to present a new candidate for election to the Court in the year 2002. It is doing so with the sincere desire to continue to contribute to the International Court of Justice, whose noble mission will be all the more important in the new millennium. In concluding my remarks, I wish to reaffirm, on behalf of my delegation and of the Government of Japan, the great importance we attach to the invaluable work of the International Court of Justice as the principal judicial organ of the United Nations.

Mr. Niehaus (Costa Rica) *(spoke in Spanish)*: Allow me at the outset to thank the International Court of Justice for the report before us as well as the introductory statement made by the President of the Court, Judge Gilbert Guillaume. I should like also to congratulate, through you, Mr. President, Judge Thomas Buergenthal on his recent election to this high Court.

My country knows of and appreciates Judge Buergenthal's depth of technical knowledge, experience and ability. We have had the honour of receiving him on numerous occasions in Costa Rica in his capacity as a member and President of the Inter-American Court of Human Rights, which has its headquarters in San José.

The judicial resolution of disputes has become a key element in the promotion of peaceful relations between States. We all know of cases in which differing interpretations of the law or of facts have, when politicized, become threats to international peace and security. Territorial disputes in particular can lead to military escalation. For this reason, the International Court of Justice plays a fundamental role in reducing military tensions and in resolving once and for all the differences between States.

In this context, my delegation welcomes the contribution that the International Court of Justice makes to global stability. The Court, as the principal judicial organ of the United Nations, also plays a central role in the progressive development of contemporary international law. Its jurisprudence, both in disputes and in advisory opinions, provides not only

a legal determination for the parties in conflict but also clarification to other States with regard to obscure or controversial areas of the law.

We recall and welcome the numerous cases in which the Court has adopted progressive positions which have promoted and consolidated the development of the international legal order. We believe in this respect that the Court must continue resolutely to play its role as the authorized interpreter of the provisions of the Charter of the United Nations.

My delegation is also aware of the practical difficulties experienced by the Court in recent years, due to the increase in the number of cases and requests for advisory opinions. As we have indicated on other occasions, we believe that the increase in the number of cases is a positive sign of the will of States to abide by the principles of law in the conduct of their international relations. For this reason, we believe that greater recourse to the Court should be encouraged.

It is vital that the Court be provided with sufficient resources and staff to deal with the fresh obligations associated with the increase in the number of cases. My delegation favours an increase in the staffing levels of the Court, including more library, computer and secretarial staff, in additional to a professional technical legal assistance team to the judges and to the presidency.

Nevertheless, we firmly believe that, in parallel to the increase in its budget, the Court must continue its efforts to improve its practices and working methods. In this respect, we appreciate the decisions taken and recommendations adopted, but we would also encourage its members to continue to consider ways of improving its methods of work.

Allow me to thank the Court for the excellent manner in which it disseminates its work through the Internet. This service is invaluable for developing countries, which sometimes have difficulty obtaining access to the most recent case law.

Finally, I should like to reiterate the full confidence and steadfast support of Costa Rica for the excellent work of the International Court of Justice.

Ms. Lee (Singapore): My delegation and I would like to express our appreciation to His Honour Judge Gilbert Guillaume for his detailed and lucid report on the work of the International Court of Justice for the period 1 August 1999 to 31 July 2000. We would also like to congratulate him on his election as President of this eminent body. We are confident that under the enlightened leadership of Judge Guillaume, the Court and the distinguished jurists who constitute its Bench will continue to carry out its mandate under the Charter of the United Nations in a just and efficient manner.

As the Court is the principal judicial organ of the United Nations, the critical role which it plays in our present world order cannot be understated. It is the brief of the Court to settle disputes between States in accordance with international law and to give advisory opinions on questions referred to it by duly authorized international organs and agencies. The Court is therefore the primary organ for the development and application of international law. The judgements and decisions of the Court are authoritative interpretations of the rights and obligations of parties to an international dispute. These enable parties to resolve such disputes without the need for armed confrontation. In this sense, the International Court of Justice is also a primary forum for the preservation of world peace.

Singapore fully supports the work of the International Court of Justice as the interpreter and enforcer of international law. As a small country, we attach tremendous importance to the work of the Court. This is because international law ensures that all actions of States are governed by the same legal rules. Under the law, all States are equal, entitled to the same rights and subject to the same obligations, regardless of size, economic wealth or military power. International law also ensures that States are held to high standards of conduct in their relationships with other States. Therefore, for small countries like Singapore, international law is the main avenue for the maintenance of our sovereignty.

The International Court of Justice's clientele now includes 189 States. Not surprisingly, in recent times, we have seen a steady increase in the workload of the Court. As of the beginning of this year, there were 24 cases pending before the Court. This number may seem small when compared to the docket of domestic courts. However, it must be noted that every one of these is a dispute between States. These disputes cover almost the entire breadth of international law. They include disputes over maritime and land boundaries, the legality of the use of force, the arrest and detention of a foreign citizen and even the execution of a person with dual nationality. Disputes between States are

essentially different from disputes between persons. The extent of the resources of the contending States that are mobilized for such disputes is much greater. The consequences of a decision are also much more profound for the disputing States and, often, for the international community, too.

The increase in the workload of the Court is therefore a reflection of the increasing confidence that the international community as a whole has in the Court. This can only mean that States are increasingly mindful of the rules of international law. They prefer to resolve their differences in accordance with the law, rather than through the use of coercive power. This development can only be a welcome one.

The increasing workload of the Court, however, has not been matched by a corresponding increase in the resources of the Court. The budget of the International Court of Justice is relatively modest when compared with the budget of United Nations agencies. The International Tribunal for the Former Yugoslavia, for example, has a budget almost 10 times that of the International Court of Justice. Yet its workload, as evidenced by the number of cases filed, is a fraction of that of the International Court of Justice. This is not to say that the International Tribunal for the Former Yugoslavia is over-funded. Instead, what is clear is that the International Court of Justice is under-funded.

Despite its modest funding and, therefore, its limited resources, the Court has been able to schedule hearings and issue orders in a very efficient manner. We should all commend the International Court of Justice for the expeditious manner in which it has been able to address the matters before it. Its current record shows that there is now no basis for criticizing the Court for delays in dealing with cases.

This state of affairs will not be able to continue, however, if, as appears to be the case, more States turn to the Court for assistance on a wider range of matters. If the International Court of Justice is to satisfy the expectations which States have placed upon it, the level of funding to the International Court of Justice must be substantially increased. It is therefore crucial that we take the necessary steps to ensure that the Court is adequately provided for.

Paragraph 345 of the report (A/55/4) before us today quoted from the statement of the then President of the Court, Judge Stephen Schwebel, to this Assembly last year. He stated:

> "The financial resources of the Court cannot be divorced from those of the Organization that provides them. The financial fabric of the United Nations must be repaired, most fundamentally by renewed performance of the treaty obligations of Members of the United Nations to pay their assessments, as determined by this General Assembly in the exercise of the authority deliberately and expressly entrusted to it by the terms of the Charter. The binding character of those assessments was affirmed by the Court in 1962, when it held that the exercise of the power of apportionment creates the obligation, specifically stated in Article 17, paragraph 2 of the Charter, of each Member to bear that part of the expenses which is apportioned to it by the General Assembly. Failure to meet that obligation not only has the gravest effects on the life of the Organization, but transgresses the principles of free consent, good faith and *pacta sunt servanda*, which are at the heart of international law and relations." (*A/54/PV.39, pp. 4-5*)

It is therefore hard to explain the situation when the richest Member of the Organization is unable to pay its dues, in full, on time and without conditions. We have pointed out before that the heart of the problem is political, not financial. In his book entitled *Judging The World Court*, Thomas Franck wrote:

> "The World Court is not the perfect instrument for an imperfect world, but it is in the national interest of the United States to encourage, rather than destroy, the only court with global reach".

In today's world, where there are so many challenges to world peace, the importance of compliance with international law becomes that much more significant. Without international law, there will be anarchy in the relationships between States. Might, not right, will prevail. We, the members of the United Nations, therefore have a special responsibility to ensure the continued respect and observance of the rules of international law. One clear way in which we can do this is by showing, in concrete terms, our support for the main organ for the development and enforcement of international law, the International Court of Justice.

Mr. Vaiko (India): I thank the President of the International Court of Justice, Judge Gilbert Guillaume, for his detailed and comprehensive

introduction of the report of the Court as contained in document A/55/4. We would like to extend to him our heartfelt congratulations and felicitations on his election as President, and wish him every success during his time in office.

The United Nations was established to save succeeding generations from the scourge of war. The founding fathers of the United Nations sought to achieve this objective through the twin approach of prohibiting the use of force, in accordance with Article 2, paragraph 4, of the Charter, and by promoting the peaceful settlement of international disputes under Article 33 of the Charter. As a central element to the promotion of international peaceful settlement, and in a departure from the model of the League of Nations, the United Nations Charter, through its Article 92, established the International Court of Justice as its principal judicial organ. Furthermore, in the case of disputes under consideration by the United Nations Security Council, Article 36, paragraph 3 directs the Security Council to recommend the parties to refer all legal disputes to the International Court of Justice. Finally, Article 92 of the Charter makes the Statute of the International Court of Justice an integral part of the Charter.

The above clearly indicates the respect and the central role assigned to the International Court of Justice within the United Nations Charter system. This is a status unique to the ICJ and not enjoyed by any other tribunal established since 1945.

The recent period has seen the creation of a number of specialized regional and international courts. The political process connected with the establishment of special international judicial bodies has been, on occasion, perceived as diminishing the role of the ICJ in the field of the international peaceful settlement of disputes. Moreover, it may be noted that legitimate questions have been raised about the legal basis of the establishment by the Security Council of the aforementioned ad hoc international criminal tribunals instituted with reference to the former Yugoslavia and Rwanda.

However, even after all these developments, the International Court of Justice still remains the only judicial body with legitimacy derived directly under the Charter, enjoying general jurisdiction, and available to all States of the international community in matters relating to all aspects of international law. All other international judicial institutions, established as they are with competence over specified fields, are confined to their limited areas of jurisdiction and lack general jurisdiction of a universal nature.

We could not agree more with the statement of the then President of the ICJ, Judge Schwebel, in his address to the fifty-third General Assembly, that the World Court is the father of the family of international judicial bodies created in the past decade. Over the last 50 years, the Court has dealt with a variety of legal issues. Its judgements have covered disputes concerning sovereignty over islands, navigational rights of States, nationality, asylum, expropriation, law of the sea, land and maritime boundaries, enunciation of the principle of good faith, equity and legitimacy of use of force. The issues presently before it are equally wide-ranging, and its judgements have played an important role in the progressive development and codification of international law.

Notwithstanding the caution it has exhibited and the sensibility it has shown to the political realities and sentiments of States, the Court has asserted its judicial functions and has consistently rejected arguments to deny it jurisdiction on the ground that grave political considerations were involved in a case in which it otherwise found proper jurisdiction for itself. The Court has thereby clearly emphasized the role of international law in regulating inter-State relations, which are necessarily political.

The phenomenal explosion of the Court's docket during the 1990s stands as testimony to the Court's high standing and authority, not only in the United Nations system but also in the international community. It also indicates the increased relevance of and respect for due process of law exhibited by States and is an affirmation of faith in the Court. Whereas in the early 1970s it was called "the court without a case", it is now faced with the problem of plenty and finds itself in a position of being unable, within its existing resources, to respond effectively and in time to the demands made on it by its increasing workload.

As emphasized in its report, even after taking various measures to rationalize the work of its Registry, making greater use of information technology, improving its working methods and securing greater collaboration from the Parties to reduce the time taken for individual cases, the Court will be unable to cope with the increase in its workload

without a significant increase in its budget. Accordingly, the decision of the Heads of State and Government taken at the Millennium Summit to strengthen the International Court of Justice in order to ensure justice and the rule of law in international affairs must be implemented urgently by providing the Court with adequate resources to enable it to carry out its designated functions as the principal judicial organ of the United Nations.

Mr. Lavalle-Valdés (Guatemala) *(spoke in Spanish)*: We feel that, on the one hand, the existence of a judicial system, even in rudimentary form, capable of dealing with the relations between its members, is a necessary condition that allows a group of human beings or bodies to consider themselves a community; on the other hand, a legal system hardly deserves the name if it does not have a permanent mechanism for solving controversies between the members of the community. For these reasons, we feel that, although it is hard to believe that the man in the street could be aware of this, it is difficult to exaggerate the importance of the creation in 1922 of the Permanent Court of International Justice, a judicial body which preceded the International Court of Justice. In fact, the ICJ is actually a continuation, rather than a successor, of the former Court.

If we disregard the profound differences between the two international situations, perhaps the fundamental difference between these two institutions is rather extrinsic than intrinsic. This difference lies in the fact that the relationship between the current Court and the world organization in charge of maintaining peace and international security — in other words, the United Nations — is a much narrower relationship than the one that linked the venerable Permanent Court with the corresponding body of the time — in other words, the League of Nations.

The former Permanent Court, although it had close links to the League of Nations, constitutionally speaking, was a separate body. However, the current Court is an integral part of the United Nations. In effect, the two institutions were created by the same instrument — in other words, the Charter of the United Nations — which expressly includes the Court among the Organization's main bodies.

While feeling that the relationships between the Court and the United Nations are praiseworthy on all counts, we also feel that the closer the links are between our Organization and the Court, the better will be the efficiency and the authority of the Court. More States will then be encouraged to come before it. This is why we are pleased to see that in 1968 — the year, by the way, that the Minister for Foreign Affairs of Guatemala presided over the General Assembly — the Court, on the basis of paragraph 2 of Article 15 of the Charter, reinforced its links with the United Nations by initiating the practice of presenting a report on its activities annually to this Assembly.

We, likewise, are happy to see that, for some years now, the information in the reports, which had seemed a bit dry — owing to its formal and technical nature — has been augmented by a stimulating subjective element that helps us to take a deeper look at the Court. I am referring to the oral statement that the President of the Court made as part of the consideration of the report on that institution, a statement in which he discussed his ideas and his vision about some of the most general aspects of the Court, the principles underlying its work, the way in which States can derive the maximum benefit from the functions that the Court is able to carry out and the many ways that the Court can contribute to the achievement of the goals of the United Nations. He also discussed, the problems that the Court unfortunately faces.

Thus, I would like to thank President Guillaume wholeheartedly for having followed the practice — or rather, the tradition — established by his predecessors of putting aside the pressing tasks of his primary functions to come to this Assembly to share with us his ideas about those aspects of the Court and its work that in his opinion are most deserving of attention. In this way, the report of the institution is brought to life, and the President's presence increases interest in the work of the Court.

In order to get a clear idea of what is in the report one need only look at the table of contents. From it alone can be seen the great variety and importance of the issues and subjects dealt with by the Court — both with regard to the maintenance of international peace and security and to promoting friendly cooperation between States and the development of international law. At present these issues and subjects include many delicate issues pertaining to the law of the sea and the environment, the fight against international terrorism, the responsibility of States, sovereignty over territories, diplomatic protection, consular law, the use of force by

States, the application of laws relating to genocide, the scope of the criminal jurisdiction of States and diplomatic immunity and privileges.

As regards the litigants and actual cases of the Court, it is notable that the litigants come from almost all the continents and geographical areas of the world. This includes the countries of our subregion, Central America, whose legal issues the Court has resolved successfully on several occasions. It is also noteworthy that the litigants before the Court include and have almost always included just as many developed countries as States from the third world.

Given the great importance of the functions and activities of the Court to the successful achievement of the main goals of the United Nations, my country is greatly concerned that the Court for some years has been facing financial difficulties that could be considered alarming. We feel that this is absolutely unacceptable, and we have no doubt that any cost-benefit analysis of the activities of the Court would show that it is very difficult, if not impossible, to use the funds available for international purposes in any better way than by paying for the work of the Court. In other words, we believe that a comparison of what it costs to fund absolutely adequately and sufficiently the work of the Court with the great importance of what the Court does, the scales would tip heavily to the positive side.

Finally, we would like to thank the Court for the additions that it has made this year to its report, which provides us with general information distinct from the information on its specific, legal activities, is much broader than the previous reports, and is of great interest to us.

Mr. Mbanefo (Nigeria): The Nigerian delegation wishes to congratulate Judge Gilbert Guillaume on his election on 7 February 2000 by the International Court of Justice to be the President of the Court. We also congratulate Judge Shi Jiuyong and Mr. Philippe Couvreur on their elections as Vice-President and Registrar respectively of the eminent World Court at The Hague.

We commend the President of the Court for his lucid introduction of the report of the Court, which is contained in document A/55/4.

The Nigerian delegation attaches great importance to the International Court of Justice, given its pivotal role in the settlement of international disputes. As the principal judicial organ of the United Nations, the International Court of Justice is the only international court of a universal character with general jurisdiction. States, in exercise of their sovereignty, willingly and voluntarily submit disputes to the Court. It is encouraging to note that 62 out of 189 States parties to the Statute of the Court have subscribed to its compulsory jurisdiction, under Article 36 of the Statute.

Nigeria, as one of the countries that has made declarations recognizing the compulsory jurisdiction of the Court, as contemplated under Article 36, paragraphs 2 and 5, of the Statute, urges Member States of the United Nations that have not done so to recognize the compulsory jurisdiction of the Court. It is our belief that recognition of the Court's compulsory jurisdiction by all Members of the United Nations that are *ipso facto* parties to the Statute of the Court will not only reduce tension, but will also encourage States to settle their differences by peaceful means.

The International Court of Justice has contributed immensely to the maintenance of international peace and security through the settlement of international disputes. There has been a substantial increase in the number of cases before the Court. More and more States now have recourse to the Court for the settlement of their disputes. Over the past year, the number of cases submitted to the Court has continued to rise.

Such an increased workload arises primarily from the confidence that Member States repose in the Court. Such confidence in turn is anchored in the Court's authority, integrity, impartiality, effectiveness and independence.

It is our view that for the Court to cope with the increasing workload, and at the same time to sustain the sterling qualities for which it is known, more resources must be allocated to it.

Paragraph 20 of the report for the year 1999-2000 amplifies the inextricable link between performance and increased resources. The paragraph

> "welcomes the increased confidence which States have shown in the Court's ability to resolve their disputes. However, it will be unable to respond to that confidence without a minimum of the

resources which it currently lacks, and which it will seek in the coming year."

The Nigerian delegation therefore supports the allocation of more resources to the Court to enable it to discharge its statutory function creditably.

The Nigerian delegation welcomes the progress already made in streamlining the working methods of the Court's Registry. However, one area, in our view, that requires urgent consideration is the review of the official languages of the Court. The Court's official languages are English and French. As has already been observed by Judge Schwebel, the immediate past President of the Court, the International Court of Justice today is universal in its clientele. States submitting cases to the Court are drawn from Europe, America, Africa, Asia, the Middle East and Australia. The Court itself is universal in its composition, being made up of 15 Judges, each from a different region of the world, reflecting the principal legal systems in practice globally. It is therefore unhelpful, for purposes of universalism, to restrict the official languages of the Court to only English and French.

It is the view of my delegation that the official languages of the Court, the principal judicial organ of the United Nations, should reflect the official languages of our Organization. Though this may require additional financial resources, we believe that it is a course worth pursuing, as it will enable the Court to spread its gospel of peaceful settlement of disputes in many more languages. We therefore urge the President of the Court to take this into consideration when submitting its requests for increased financial resources to the General Assembly.

The International Court of Justice enjoys immense prestige and trust. Such prestige and trust are further confirmed by the official visits to the Court during the period under review by some notable world leaders, including President Jacques Chirac of France, the Emperor and Empress of Japan and the President of Mongolia, Mr. Bagabandi. More visits by other world leaders, we believe, would be a source of encouragement to the Court.

In conclusion, the Court has proved to be a useful tool for the development of international law. It has more than justified the perception that a world court can fundamentally foster peace through the adjudicated settlement of international disputes and the development of the body of international law. Nigeria, as a peace-loving nation, will continue to support the ideals inherent in the establishment of the Court 54 years ago.

Mr. Shami (Pakistan): I would like to begin by congratulating Judge Gilbert Guillaume on his election as President of the International Court of Justice early this year. I would also like to thank him for presenting to the General Assembly the annual report of the Court.

Pakistan attaches great importance to the work of the International Court of Justice, which is the principal judicial organ of the United Nations. The Court, which was established 54 years ago to uphold the principles of justice and international law, has played an indispensable role in helping Member States in the peaceful settlement of their disputes. Over the years, the Court has emerged as the institution par excellence in the field of international law and has gained due respect for its role not only in the peaceful settlement of international disputes, but also for the valuable contribution it has made to the development of international law through its Judgments and Advisory Opinions.

This is clearly evident from the increased number of cases that are before the Court today. While, in the 1970s, the Court had only one or two cases, the number of cases before it this year stands at more than 20. This testifies to the prestige of the Court and to the contribution that it can make to the promotion of international peace and security.

This year, the Court dealt with cases of diverse natures, ranging from territorial disputes to state obligations under bilateral and international agreements. The Court delivered two Judgments during the period under review. One was in the Kasikili/Sedudu Island case between Botswana and Namibia; the second was on the aerial incident of 10 August 1999 between India and Pakistan. In the latter case, the Court ruled that it had no jurisdiction to entertain an Application submitted by my country in September 1999 regarding the shooting-down of an unarmed Pakistani naval aircraft by India inside our airspace.

The International Court of Justice's decision was not based on the substance of Pakistan's complaint, but on India's reservation, which excludes from the Court's jurisdiction disputes with the Government of any State that is or has been a member of the Commonwealth of Nations. The Judgment of the Court notes specifically

that there is a fundamental distinction between the acceptance of the Court's jurisdiction and the compatibility of particular acts with international law and that States remain in all cases responsible for acts attributable to them that violate the rights of other States, whether or not they accept the jurisdiction of the Court. Most importantly, the Judgment also emphasizes that the Court's lack of jurisdiction does not relieve States of their obligations to settle their disputes by peaceful means. In this context, the Judgment refers to Article 33 of the United Nations Charter. This fact has also been reflected in the annual report of the Court, which is before the Assembly, and was reiterated by the President of the Court, Judge Guillaume, in his introduction of the report this morning.

While fully agreeing with the Court that its lack of jurisdiction does not relieve States of their obligation to settle their disputes by peaceful means, Pakistan remains committed to the peaceful settlement of all outstanding disputes with all its neighbours, including recourse to the International Court of Justice.

We have noted with satisfaction the efforts being made by the Court to improve its smooth functioning. However, the problems being faced by the Court because of the increased number of cases need to be addressed urgently and with the seriousness that they deserve. The increase in the workload of the Court requires a proportionate increase in its annual budget. For some unknown reason, the percentage of the annual budget of the Court vis-à-vis the overall budget of the United Nations has remained static, despite a substantial increase in its workload. In fact, the current annual budget of the Court, which is about $10 million, represents, in terms of the overall United Nations budget, a percentage which is lower than that of 1946. Compared with the annual budget of the International Tribunal for the Former Yugoslavia for the year 2000, which is about $100 million, the amount of $10 million does not seem appropriate, given the importance and stature of that principal judicial organ of the United Nations.

My delegation therefore fully supports the Court's request for an increase in the allocation of adequate financial resources and calls upon the competent bodies of the United Nations to consider the question of increasing resources of the Court on a priority basis.

Mr. Valdez Carrillo (Peru) (*spoke in Spanish*): May I first congratulate Judge Gilbert Guillaume on his election as President of the Court in February of this year. I would also like, on behalf of my delegation, to congratulate Judge Shi Jiuyong as Vice-President and the other members of the Court elected for this period.

For the delegation of Peru, the annual report of the International Court of Justice is particularly important and arouses great expectations, because the progressive development of international law would simply be limited to the academic field and the objectives of harmony and peace would remain merely theoretical if the Court's norms could not be practically applied to the solution of real situations that could pose dangers to international peace and security.

The creation of the International Court of Justice began to be promoted through early efforts to create a community of nations. The fall of the League of Nations and the corresponding Permanent Court of International Justice, far from creating disillusionment in the viability of the undertaking, led to the more energetic promotion of the project for an international court whose statute would have the same hierarchical status as the Charter of the United Nations. Thus, as stated in Article 92 of the Charter, the International Court of Justice is the principal judicial organ of the United Nations.

Since its creation, with its wealth of jurisprudence, the International Court of Justice has made an invaluable contribution, both by settling disputes and by issuing advisory opinions, not only in preserving peace but also in the enunciation of law and in the modelling of desirable and acceptable standards of international conduct for the international community.

Likewise, in the past few years the Court has been an important tool of consultation for students, lawyers, judges and the general public through the creation of a Web page on the Internet, which has closed the gap that may have existed between public users and the institutions for the administration of international justice. This tool, linked to the inauguration in May 1999 of the Museum of the Court, represents an important advance in the dissemination of information on international law beyond its traditional audience to the public at large. I am sure this makes a positive contribution to the creation of a universal awareness of the importance of this discipline and to

reinforcing the idea that this is a significant element of relationships between States.

Despite these achievements, the Court is facing two main difficulties, one theoretical and the other practical. The first is that the Court cannot apply more law than it has. The well-known Article 38 of its Statute mentions legal sources that are still developing, and whose concepts and consequences have not yet been defined in all cases. On the other hand, the process of globalization and the technological advances that are being made, in the absence of more resolute political will, bring about challenging new international situations that are not yet clearly regulated.

For this reason, we cannot separate the efforts aimed at the strengthening and horizontal enlargement of the Court's jurisdiction from the efforts aimed at the progressive development and implementation of international law. We will have an International Court of Justice that is stronger and more universal to the extent that we also have international law that is more institutionalized and more solid.

The second difficulty that the Court faces is a practical and logistical one. Even though we are happy to see an increase in the number of cases coming before the Court, we are aware of the budgetary difficulties that this situation brings with it, particularly since during the upcoming period there will probably be an increased need for resources, since in certain cases the bulk of the proceedings is to begin soon. Thus, it is important for the Organization to pay particular attention to the provision of adequate financial resources.

It is relevant to point out that the International Tribunal for the Former Yugoslavia, even with a much more limited jurisdiction, has a budget approximately 10 times as large as that of the International Court of Justice, which has a universal mission. The delegation of Peru considers that in keeping with the statutory importance of the Court, and given its legal and political importance in the maintenance of friendly relations between countries, we cannot skimp on the budget that we apportion to the Court for the proper accomplishment of its important tasks.

Throughout its history, Peru has demonstrated a close attachment to international law and to the search for peaceful solutions in its international relations. It went before the Court on one occasion and in October 1998 signed a comprehensive agreement on its erstwhile border dispute with Ecuador.

Peru will continue its efforts to ensure that the International Court of Justice continues to achieve its goals of peace and rule of law, and encourages all States that have differences to go before the Court in order to find peaceful solutions within the framework of international law.

Mr. Mangoaela (Lesotho): My delegation welcomes the opportunity to address the General Assembly on the report of the International Court of Justice. Permit me at the outset to express our thanks and appreciation to the President of the Court, Judge Gilbert Guillaume, for his introduction of the report and for his pertinent comments. We commend him for his dedicated stewardship of the Court and for the Court's impressive achievements over the period under review. This will no doubt further enhance the international community's confidence in that unique organ of international law.

Lesotho remains convinced that no other judicial organ in the world can have the same capacity for dealing with international legal problems as the International Court of Justice. As a component not only of the machinery of peaceful settlement of disputes created by the Charter but also of the general system for the maintenance of international peace and security, the Court continues to offer States a wide range of opportunities for promoting the rule of law in international relations by, among other things, deciding "in accordance with international law such disputes as are submitted to it".

Because of its achievements in finding just and equitable solutions to legal conflicts between States, the Court continues to enjoy universal support and respect; hence, a noticeable increase in the number of cases being referred to it. This has no doubt also contributed to much of the progress in the political, social and economic arena we have witnessed in recent years.

The promotion of and commitment to the peaceful settlement of disputes in accordance with the United Nations Charter remains one of the cornerstones of Lesotho's foreign policy goals. Like many other small and vulnerable States, Lesotho is dependent more on the law than on power in settling disputes, in defending its sovereignty, independence and territorial integrity and in protecting its policies in the

international field. We remain keenly aware of the role that international law plays in the search for solutions to the problems of an interdependent world in which economic, social and humanitarian issues have assumed paramount importance. We recognize the important role of the Court as a tool for the peaceful settlement of disputes and are committed to strengthening the Court in order to ensure justice and the rule of law in international affairs, as called for in the Millennium Declaration.

The challenge for the international community at the dawn of the new century is how to strengthen the international legal order and promote effective respect for the legal norms that govern the international community. In this regard, universal acceptance of the Court's compulsory jurisdiction remains the best indicator of progress towards meeting these challenges. We note that to date less than 50 per cent of the Members of the United Nations have made declarations recognizing the compulsory jurisdiction of the Court, as envisaged under Article 36 of its Statute.

It is thus a pleasure for me today to announce that on the occasion of the Millennium Summit, on 6 September 2000, the Prime Minister of Lesotho deposited with the Secretary-General an unconditional declaration by which the Government of the Kingdom of Lesotho recognizes the compulsory jurisdiction of the Court in accordance with Article 36, paragraph 2, of the Statute of the Court. It is Lesotho's hope that its unconditional acceptance of the Court's jurisdiction, which is yet another sign of the increasing confidence in the Court, will further enhance the Court's pre-eminent role not only as an interpreter of the legal obligations of States and in the settlement of disputes, but also in the maintenance of international peace and security. It is our hope, too, that many more States will soon join the increasing number of countries that have recognized the compulsory jurisdiction of the Court.

Last year's annual review of the Court showed that as of July 1999 it was seized of 18 cases, which was then far more than it had ever had within any given 12-month period. As rightly predicted, this year we have seen yet another increase, bringing the total number of cases before the Court to 23 as of July. It is our understanding that one more case has since been added to the Court's docket: that between the Democratic Republic of the Congo and Belgium. The current trend is thus towards an increase, rather than a decrease, in the Court's caseload, and this trend can only be expected to continue.

Another significant development with regard to the Court's activities is that, unlike in the past, when the jurisdiction phases of cases occupied most of its time, the Court is now being frequently called upon to deal directly with a diversity of complex substantive issues of international law from all regions of the world. Given the complexity of most cases and the resource constraints faced by the Court, it is gratifying to note that during the period under review the Court finalized the Botswana and Namibia case concerning the Kasikili/Sedudu Island, as well as issuing various orders concerning a number of other cases.

There can, however, be no doubt that, in spite of the Court's best efforts, it will not be possible for it to handle the ever-increasing workload and to be an effective and efficient judicial means for the peaceful settlement of disputes unless it is given adequate resources. It should indeed be a source of great concern for this Assembly that the 15 judges of the highest Court in the world have to share and rely on six legal professionals to carry out research on complicated questions of international law and to prepare studies and notes for the judges and the Registrar. It is equally disturbing that all the translation and interpretation of the Court is handled by only six professionals. These two examples, which are only the tip of the iceberg of the Court's difficulties, are a clear indication of the practical difficulties faced by the Court in carrying out its functions. This lamentable state of affairs for the Court should not be allowed to continue. Lesotho therefore reiterates the call for an increase in the Court's resources to enable it to fully and effectively respond to the ever-increasing demands of the international community. Strengthening the Court is the only way in which we can realize the dream of the domination of law in relations among people.

In conclusion, we commend the Court for its outreach programmes. Lack of awareness about the Court and its activities is no doubt part of the problem that needs to be addressed. Ensuring that there is better public education and understanding of the Court, particularly among policy makers and decision makers in government, remains important. We can only encourage the Court to continue its endeavours in this regard. We hope that the Court's schedule will allow it to visit Lesotho in the near future and look forward to

welcoming the President and other members of the Court.

Mr. Al-Nasser (Qatar) (*spoke in Arabic*): It is my pleasure once again to extend our thanks and appreciation to you, Mr. President, for presiding over this meeting to consider agenda item 13, entitled "Report of the International Court of Justice". It is also our pleasure to extend our congratulations to Mr. Gilbert Guillaume, President of the International Court of Justice, for his comprehensive report containing ample explanation and demonstration of the judicial work undertaken by the Court recently.

Over the last 54 years, particularly the last decade, the International Court of Justice has been able to gain the confidence of the international community, thanks to the vast experience and impartiality of its judges. Their knowledge and experience have effectively contributed to the gradual development of international law and to addressing several legal questions in a way that will certainly be very valuable in maintaining world peace and security. The international community has also noted the qualitative and quantitative developments of the Court in addressing disputes brought to its attention, disputes that are no longer confined to certain types of differences that normally arise between States but that have become very varied.

All this emphasizes the privileged status enjoyed by the International Court of Justice in the eyes of the Member States as the main judicial organ of the United Nations and the ideal channel for settling international disputes. The Court reaches its decisions in a manner consistent with the interests of justice and according to the rules established by statutes providing for full participation of all members in its deliberations on an equal footing. The Court reaches its decisions in its plenary, demonstrating the care with which it deals with its responsibilities.

There is no doubt that the only obstacle threatening the future of the International Court of Justice is non-compliance by States with its final decisions and rulings. Consequently, it is the international community's duty to provide for the future of the Court not only by enhancing its human and financial resources, in order to keep up with the steady increase in the number of cases brought before it, but also by emphasizing the commitment of States to respect its decisions.

This new millennium provides us with a convenient opportunity to emphasize once again the United Nations purposes and principles, particularly the principles of justice and the rule of law in the field of international relations.

To resort to the International Court of Justice is a legitimate course whenever a situation may endanger international peace and security and, in keeping with Article 33 of the Charter, it also constitutes civilized behaviour that encourages respect for the Charter, enhancing the role of the Organization in settling disputes in a just and peaceful manner.

The settlement of international disputes is not completed by simply resorting to international adjudication or to the International Court of Justice. There is also the stage following the Court's decisions — which are binding between the parties, final and without appeal, under Articles 59 and 60 of the Statute of the Court — where the obligations provided for in Article 94 of the United Nations Charter, which clearly affirm and stress that each Member State of the United Nations shall comply with the decision of the Court in any case to which they are a party, apply.

Non-compliance with the decisions of the Court, per se, constitutes a threat to international peace and security. It is also a clear violation of the United Nations Charter, as well as the rules and norms of international law.

Mr. Soares (Brazil): Brazil welcomes the Report of the International Court of Justice. It offers a comprehensive picture of the Court's achievements, as well as the full dimensions of the challenges ahead.

Last year we completed the United Nations Decade of International Law and we celebrated the centennial of the First International Peace Conference. The underlying goal of those events was to promote the rule of law by fostering recourse to the peaceful settlement of disputes between States.

There can be no better expression of our success in this task than the growing number of cases on the Court's docket. This confirms the universal nature and scope of the Court. Not only are there far more cases, but they come from all regions of the world and cover both traditional boundary disputes and the interpretation of international agreements. There are

different reasons for this increased recourse to the Court.

On the one hand, efforts to improve its working procedures are now bearing fruit. Proceedings are more expeditious and therefore decisions are handed down in a shorter time. It is especially praiseworthy that these rationalizing and streamlining measures adopted by the Court have allowed it to operate and increase its workload with maximum efficiency. Brazil therefore concurs that we must ensure that the Court is adequately funded.

On the other hand, a growing number of multilateral conventions now include reference clauses to the Court for the adjudication of disputes. Equally important, the Court's advisory role has become more widely recognized. In fact, it is available to offer advisory opinions to all other organs of the United Nations and to specialized agencies. Its jurisdiction has in practice been enlarged and its decisions enjoy broader application.

This is even more significant, given the recent proliferation of specialized tribunals and courts that are responsible for enforcing the profusion of international agreements. Factors such as the increase in international regulations and the growing regional and global interdependence, have brought different international legislation into consideration and conflict.

One answer to concerns over the consequences of this multiplication of jurisdictions must involve investing the Court with a clearer advisory role. It might be the case that even bodies that are not part of the United Nations system — such as the International Tribunal for the Law of the Sea or the future International Criminal Court could request such advice. Thus, by retaining its central role as a universal jurisdiction, the Court may help preserve the fundamental unity and coherence of international law.

These are some indications of an increased role for the Court in international affairs as we enter the next century. As a reflection of this newly discovered confidence, the Court finds itself at the centre of discussions about how to improve the ability of the international system to foster stability. The Court, as the principal judicial organ of the United Nations, must increasingly play a crucial role in ensuring that the United Nations continues to be a unique and indispensable universal instrument. By bringing together diverse legal traditions, the Court's decisions enhance our common commitment to a culture of peace and tolerance, cooperation and devotion to justice.

Brazil has always been a firm believer in the rule of law and of judicial recourse for the settlement of disputes. My country will continue to offer our full cooperation to the Court. We are convinced of its central role in developing a body of international law and practice.

May I conclude by expressing our appreciation to Judge Gilbert Guillaume for his excellent presentation of the report of the Court. We support all his endeavours to strengthen the Court as the principal judicial organ of the United Nations. May I express Brazil's appreciation for the contribution of Professor Jose Francisco Rezek to the work of the Court.

Mr. Tello (Mexico) *(spoke in Spanish)*. We would like, once again, to express our thanks to Judge Gilbert Guillaume, President of the International Court of Justice, for having presented his report on the recent work of the highest judicial body of our Organization. We are happy to echo views asserting the usefulness of this discussion aimed at tightening the links of cooperation between two of the main bodies of the United Nations.

The report on the activities of the International Court of Justice shows that the volume of cases submitted to the Court for its consideration has increased significantly over recent years. Although this is a positive fact, because it illustrates the confidence that States have in the Court and that they are accessing judicial means for the settlement of disputes, it has nevertheless led to a situation in which it is impossible to process cases effectively unless there is a substantial increase in the funding given to its work.

But this is not a new problem. The Court has for some time been drawing States' attention to the difficulties it is experiencing owing to a lack of resources. This has been noted by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, as well as by the Sixth Committee. Resolution 54/108, adopted last year at the initiative of Mexico, demonstrates that we, the Members of the United Nations, are receptive to our Court's requests.

Bearing in mind that this year we will be adopting the budget of the Organization for the 2001-2002 biennium, we believe that the time has come to

move from simply recognizing the problem to adopting specific measures to resolve it. As it has been doing in recent years, Mexico will continue, in the relevant bodies, strongly to support and push for an increase in the funds allocated to the Court, and to ensure that the budget we adopt corresponds to its actual needs. We hope that other countries will do the same.

Finally, in connection with the efficient use of resources, we encourage the Court to continue its ongoing review of its procedures and to adopt, as it has been doing, all possible measures to expedite the hearing of cases. For their part, the States having recourse to the Court should cooperate in this task.

The Acting President: We have heard the last speaker in the debate on this item. May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 13?

It was so decided.

Agenda item 31 *(continued)*

Elimination of coercive economic measures as a means of political and economic compulsion

Draft resolution (A/55/L.9/Rev.1)

The Acting President: Members will recall that, at its 37th plenary meeting on 19 October 2000, the General Assembly held a debate on this item. In connection with this item, the General Assembly has before it a draft resolution issued as document A/55/L.9/Rev.1.

I give the floor to the representative of the Libyan Arab Jamahiriya to introduce draft resolution A/55/L.9/Rev.1.

Mr. Dorda (Libyan Arab Jamahiriya) *(spoke in Arabic)*: I will be brief. I wish to express our gratitude to the Assembly for agreeing last week to postpone the vote on the draft resolution until today. This additional time has enabled us to consult with various members and take their concerns into account.

We have engaged in a dialogue with these members, and my delegation was very flexible with each and every one. All of their preoccupations and concerns were taken on board, and we have accommodated their views as well as their reasonable and objective amendments and proposals. Because of this flexibility, the language of the draft reflects the views of the entire international community, not just those of part of it, however large that part may be.

This is directed against no one. I can assure the Assembly that the draft before it serves the interests of the Government of the United States of America before everyone else's. How can we say this? Indeed, the Government of the United States of America can, as soon as this draft resolution is adopted, submit this document and other similar documents to its legislative authority and explain to it that it has inflicted economic and political damage on the United States and thereby put the United States Government in an embarrassing political, legal and ideological situation.

As concerns the political aspect, the United States Government can say that its legislative authority has embarrassed it before its own allies and friends, because this type of legislation has targeted their interests, their companies and their corporations, which, as we all know, manage the economy in allied and other countries. They are the ones who work in the mines and produce raw materials, operate the machinery and factories, thus creating employment opportunities and eradicating unemployment. They export those commodities. They operate means of transport. They run the whole economic system. The United States legislative authority has harmed American allies and friends, putting the Governments of friendly countries in difficult situations vis-à-vis their parliaments, their political parties, their trade unions, their chambers of commerce, and their industrial and agricultural sectors.

In addition, if the United States maintains this attitude by adopting this type of legislation, no one will trust it or cooperate with it or even continue their economic alliances with it. If it imposes an embargo on one, boycotts another and blockades a third, then bans cooperation between others, then, as the saying goes, he who bites you reminds you that you have teeth too. Indeed, if one has teeth, one can bite back. If the United States imposes embargoes and sanctions on others, they will start doing the same to it and will close their markets to American commodities and goods. Secondly, they will ban American companies from operating in their territories. Thirdly, they will ban the import of American commodities, even strategic ones. That would be the natural response to such an action. They will start adopting such measures at the individual level, then bilaterally, and eventually

on a collective basis. Will that serve the interests of the American economy?

Similarly, the American Government will take this and similar documents to its legislative authority and say: You have embarrassed us legally and ideologically. The legal embarrassment arises from the fact that a legislative authority, acting on behalf of its people and within its own political boundaries, has enacted legislation that is applied extraterritorially. Such legislation does not have legitimacy nor does it conform to the principles of international law, the Charter of the United Nations and other international instruments. Such legislation lacks legitimacy.

The ideological embarrassment lies in the fact that Americans tell the world that America is the leader of the free world, that communism and socialism have failed and that the capitalist system is the only successful system. The capitalist system is based on the principle of laissez-faire and on allowing people to work. By enacting such legislation, the American Government is not letting people work and is not following the principles of laissez-faire. How can they convince the world to move towards what they call the market economy? Are these the rules of the market economy? Is this capitalism? Is it laissez-faire? It is, indeed, ideological embarrassment.

We do not want to speak the language of biting and biting back. God has honoured human beings by giving them brains and language, and they should be able to find solutions to their problems by using those two divine qualities that differentiate them from all other creatures. Let us use language and our mental capacities to engage in dialogue and to talk to each other so that we can find the right solutions to our problems.

Through dialogue, persuasion, discussion and give and take, rather than taking the side of one party at the expense of the other, we can become truly united nations — united not in oppression and injustice, but in right and in justice, promoting good and rejecting evil. Only then will we become a truly human, international community.

The draft resolution before the Assembly is in the interests of each of us. It does not target any individual State, and we do not believe that any delegation is justified in abstaining or objecting to it. We have taken into account the concerns of all delegations, and have consulted widely. It is our hope that this draft resolution will be supported by all Member States, because it is their draft resolution and it is in their interest. It was not introduced in the interests of Libya.

The Acting President: We shall now proceed to consider draft resolution A/55/L.9/Rev.1. Before giving the floor to speakers in explanation of vote before the voting, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Hong Je Ryong (Democratic People's Republic of Korea): My delegation is taking the floor to explain its position before the vote on draft resolution A/55/L.9/Rev.1, submitted under agenda item 31, entitled "Elimination of coercive economic measures as a means of political and economic compulsion".

The Government of the Democratic People's Republic of Korea has consistently opposed the imposition of unilateral sanctions on a sovereign State. Imposing sanctions on other countries in pursuit of economic interests or for political purposes constitutes a violation of the principles of respect for sovereign equality and the right to self-determination embodied in the United Nations Charter and relevant United Nations resolutions. It also runs counter to the promotion of friendly relations and the strengthening of international cooperation among Member States. Article 32 of the Charter of Economic Rights and Duties of States, adopted by the General Assembly at is twenty-ninth session, states that

> "No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights." *(resolution 3281 (XXIX))*

Resolution 53/10 also recognizes the right of every State to choose its own political, economic and social system, suitable for its specific conditions. In this context, we consider that the present draft resolution reflects the demands of the international community for the elimination of all sanctions and therefore we will vote in favour.

Mr. Lenain (France) (*spoke in French*): I have the honour to take the floor on behalf of the European Union. The Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania,

Poland, Romania, Slovakia and Slovenia — and the associated countries, Cyprus, Malta and Norway, align themselves with this statement.

The European Union would like to take this opportunity to emphasize its categorical rejection of all attempts to apply national laws on an extraterritorial basis against the nationals or businesses of third States, which is contrary to international law. The European Union has always rejected such attempts aimed at compelling other countries to abide by economic measures adopted on a unilateral basis.

In this context, we should mention legislation adopted by States that provides for the application of legal sanctions against companies and individuals that do not fall within their national jurisdiction, some provisions of which are designed to prevent the companies of third States from dealing with certain countries or investing in them.

Measures of that kind violate the general principles of international law and of the sovereignty of independent States. The European Union is firmly opposed, both on legal grounds and in principle, to the enforcement of secondary boycotts and unilateral laws with extraterritorial effects against the nationals or enterprises of third States. We stress that we reserve our right to react as we deem fit to such measures, which are contrary to international law, and we shall continue to do so.

The European Union makes a clear and indisputable distinction between unilateral measures with extraterritorial effects on the one hand and other kinds of economic coercive measures that are legal under international law, whether these are adopted by the Security Council under Article 41 of the Charter or by States or groups of States, on the other. The European Union is pleased that this year's draft resolution clearly reflects that distinction, and will thus vote in its favour.

Mr. Powles (New Zealand): This is a draft resolution which, in its latest form (A/55/L.9/Rev.1), my Government might very likely have wished to support. But we have only seen this latest version of the draft resolution this morning. Apparently, it has been the subject of negotiations between its sponsor and the European Union, but none of the participants have seen fit to keep other delegations informed. My delegation will therefore abstain in protest at the procedure followed — which, sadly, is becoming something of a trend in this House — and at the blatant failure to consult or even inform other delegations about what was going on.

Mr. Smith (Australia): When this item was considered in the General Assembly two years ago, Australia abstained in the vote on the draft resolution because of concern that it did not adequately differentiate between unilateral extraterritorial measures, about which we have long-standing concerns, and sanctions promulgated and implemented with the full authority of the Security Council. We note that the revised draft resolution (A/55/L.9/Rev.1) that is being presented for action this morning includes a number of important changes that address those concerns. The draft resolution is, overall, a significant improvement over the text adopted at the fifty-third session.

Regrettably, however, my delegation, like a number of others, saw this revised draft resolution for the first time this morning. We were not consulted during the course of revising the draft text; nor were we informed in a timely fashion of the outcome of the consultations that took place. Australia is not a member of a large political bloc and arrives at its position on draft resolutions independently, after careful assessment of the texts under discussion. Regrettably, we have been denied that opportunity this morning as a result of procedural failures and, in particular, the late circulation of the revised text.

In those circumstances, my delegation has no option but to abstain in the vote that is about to take place.

Mr. Hynes (Canada): The delegation of Canada would like to associate itself with the concerns that have been expressed by the representatives of New Zealand and of Australia regarding the process that has proceeded the Assembly's action on draft resolution A/55/L.9/Rev.1 today. The representative of Libya referred to dialogue and consultations undertaken on this matter in recent days with a number of other delegations. Canada was not among the delegations with which such discussions were held, and only this morning did we see for the first time the substantially altered text on which we are now being called upon to take action.

In the circumstances, we have no alternative but to abstain in the vote on this draft resolution. I would add only, quite aside from considerations of substance,

that in the circumstances it can scarcely be said — indeed, it cannot seriously be said — as the representative of Libya has suggested, that the text before us reflects the views of the entire international community. We hope that, if and when it is ever proposed that the Assembly consider this important subject again in the future, a more serious effort will be made to achieve that goal.

Mr. Al-Humaimidi (Iraq) (*spoke in Arabic*): In conformity with Article 19 of the Charter, my delegation is being denied the right to vote. This is because my country has been unable to pay its assessed contributions to the United Nations owing to the economic sanctions imposed on it. My delegation has done everything possible to find a way to pay its dues — either through the oil for food programme or with the financial assets that are now frozen. We have knocked on many doors, including the Secretary-General's. We have communicated with the Security Council on this matter. But regrettably, all our serious attempts, which were motivated by great goodwill, have been rejected by the United States of America.

Having said that, let me add that, were my delegation in a position to participate in the vote, it would vote in favour of draft resolution A/55/L.9/Rev.1.

The Acting President: We have heard the last speaker in explanation of vote before the voting.

The Assembly will now take a decision on draft resolution A/55/L.9/Rev.1, entitled "Elimination of unilateral extraterritorial coercive economic measures as a means of political and economic compulsion".

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Ecuador, Egypt, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Liechtenstein, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syria, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

Albania, Australia, Canada, Dominican Republic, Kyrgyzstan, Nauru, New Zealand, Republic of Korea, Tonga, Uruguay.

Draft resolution A/55/L.9/Rev.1 was adopted by 136 votes to 2, with 10 abstentions (resolution 55/6).

[Subsequently, the delegations of Lithuania and Suriname informed the Secretariat that they had intended to vote in favour.]

The Acting President: I shall now call on those representatives who wish to speak in explanation of vote on the resolution just adopted.

May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Akopian (Armenia): My delegation has just voted in favour of the resolution under the agenda item entitled "Elimination of coercive economic measures as a means of political and economic compulsion". Armenia condemns the continued practice of unilateral coercive economic measures, particularly in the South

Caucasus. Such measures are absolutely incompatible with the principles of international law, including the principles of the multilateral trading system.

The difficulties of developing and transitional countries are heavily exacerbated by the imposition of such embargoes, as in the case of landlocked Armenia, which has remained under blockade since the first day of the restoration of our independence. Yet we believe that an overall condemnation of unilateral economic compulsion will also have a positive impact on the complicated situation in our region.

Mr. Kitagawa (Japan): Unlike last year's resolution, which my Government had difficulty accepting because it contained an element of eliminating multilateral economic measures, the resolution adopted today concerns solely the application of unilateral extraterritorial coercive economic measures, which are contrary to recognized principles of international law. My Government has been opposed to the implementation of unilateral extraterritorial coercive economic measures that are not permitted under international law and shares the view expressed in the draft resolution. Thus, having considered the matter with the utmost care, my delegation decided to vote in favour of the draft resolution.

I take this opportunity to pay tribute to those delegations, particularly the Libyan and the European Union delegations, for their efforts to prepare a resolution that Japan could support.

Mr. Valdez Carrillo (Peru) *(spoke in Spanish)*: My delegation voted in favour of the draft resolution on the understanding that it is in keeping with the powers established in the Charter with regard to the multilateral application of economic measures, as in Article 41. It is Peru's understanding that this resolution does not refer in any way to measures authorized by the competent bodies of the Organization that are applied in accordance with the principles of the Charter.

Mr. Alemán (Ecuador) *(spoke in Spanish)*: My delegation voted in favour of the draft resolution because of the purely legal reasons and considerations expressed in the report of the Secretary-General contained in document A/55/300.

Mr. Paolillo (Uruguay) *(spoke in Spanish)*: Uruguay abstained in the vote on this draft resolution. Unfortunately, between the time that we had received the revised text and the vote, there was not enough time for us to study the consequences of the revisions that had been introduced or to consult with our capital.

The Uruguay delegation hopes that this practice of presenting revisions to draft resolutions in this hasty and unforeseen way will not be repeated in the future.

The Acting President: We have heard the last speaker in explanation of vote after the vote.

May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 31?

It was so decided.

The meeting rose at 1 p.m.

United Nations A/55/PV.42

General Assembly

Fifty-fifth session

Official Records

42nd plenary meeting
Thursday, 26 October 2000, 3 p.m.
New York

President: Mr. Holkeri ..... (Finland)

The meeting was called to order at 3 p.m.

Agenda item 34

Oceans and the law of the sea

Reports of the Secretary-General (A/55/61, A/55/386)

Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its first meeting (A/55/274)

Draft resolutions (A/55/L.10, A/55/L.11)

The President: I give the floor to the representative of the New Zealand to introduce draft resolution A/55/L.10.

Ms. Hallum (New Zealand): I have the honour, as one of the coordinators, to introduce draft resolution A/55/L.10, entitled "Oceans and the law of the sea". The other draft resolution, which comes under item 34 (b), is entitled "Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments". It will be introduced by the representative of the United States.

Since the publication of the draft resolution, the following countries have become sponsors: Belize, Cape Verde, Costa Rica, Croatia, Cyprus, Grenada, India, Mozambique, Poland, the Russian Federation, Sao Tome and Principe, South Africa and Spain.

At the outset I would like to make two technical corrections to return the text to the wording I submitted for publication, following the conclusion of the open-ended consultations. First, in the second line of the tenth preambular paragraph the words "on Oceans and the Law of the Sea" should be deleted. The second adjustment relates to footnotes 7 and 14. Footnote 7 should read: "Terms of reference are annexed to the present resolution in annex I". Footnote 14 should read: "Terms of reference are annexed to the present resolution in annex II".

The draft resolution represents the key tangible product of the General Assembly's ongoing commitment to undertake an annual review and evaluation of the implementation of the United Nations Convention on the Law of the Sea and other developments in ocean affairs and the law of the sea. It is the result of a substantial series of open-ended consultations amongst delegations. I would like to express my appreciation to all delegations for their active participation and constructive spirit, and in particular to thank Ms. Alison Drayton of Guyana for acting as co-facilitator of the informal consultations. I would also like to thank the staff of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs for their highly competent assistance, which, as always, was invaluable for our work.

The draft resolution's preambular part underlines a number of fundamental concepts, including the

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

00-71167 (E)

universal and unified character of the Convention; its role as legal framework for all activities in the oceans and seas and as a basis for action at the national, regional and global levels; the interrelatedness of all oceans issues and the need to address all aspects in an integrated manner; and the importance of oceans and seas to the earth's ecosystem and for food security. The preambular part also touches upon a number of important current issues, such as the need for capacity-building for the implementation of the Convention; the problems of illegal, unreported and unregulated fishing; the degradation of the marine environment both from land-based sources and pollution from ships; and crimes at sea.

First and foremost, in order to achieve the goal of universal participation, the draft resolution calls on all States that have not done so to ratify and implement the Convention and the Agreement, and urges assistance for developing countries in this regard. The operative part of the text contains a number of other important recommendations, decisions and requests, reflecting the range of issues covered by the Secretary-General's annual comprehensive report on oceans and the law of the sea. This year, for the first time, the General Assembly has had the benefit of the input of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea. A significant number of elements in the draft resolution draw on recommendations from the first meeting of this process.

The draft resolution refers in very positive terms to the ongoing work of the three institutions established under the Convention: the International Tribunal for the Law of the Sea, the International Seabed Authority and the Commission on the Limits of the Continental Shelf. In the case of the Seabed Authority, the draft resolution welcomes the adoption of the mining code, an important milestone for the Authority, and notes with satisfaction that the Authority is now in a position to proceed to issue contracts to the registered pioneer investors. The draft resolution also notes the considerable progress in the work of the Commission on the Limits of the Continental Shelf, in particular the open meeting held earlier this year and the work the Commission has been doing on developing a training course on the preparation of submissions.

Drawing on recommendations made by the Consultative Process, the draft resolution addresses the issue of capacity-building for the implementation of the Convention and the sustainable development of the oceans and seas and their resources, calling on bilateral and multilateral donors and the Secretary-General, in cooperation with competent international organizations, to review their efforts in this area. It further asks the Secretary-General to include a section on this subject in his annual report on oceans and the law of the sea.

The draft resolution urges States to continue the development of an international plan of action to combat illegal, unregulated and unreported fishing as a matter of priority, and in this context recognize the central role that regional and subregional fisheries management organizations will have in addressing this issue. This issue is, of course, further taken up in the draft resolution to be adopted under agenda item 34 (b).

On the issue of marine pollution, the importance of the full implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities is emphasized. States are called upon to prioritize action on marine pollution and to do so in an integrated and inclusive manner. The United Nations Environment Programme and the World Bank are invited to consider what support is needed to overcome the obstacles to the preparation and implementation of national and local action programmes. The draft resolution also emphasizes the importance of ensuring that adverse impacts on the marine environment are taken into account when assessing and evaluating development programmes and projects. On the issue of pollution from ships, the draft resolution urges States to take all practicable steps in accordance with the relevant international instruments.

The draft resolution stresses the need for the international community to consider the issues of marine science and how best to implement the obligations of States and competent international organizations under parts XIII and XIV of the Convention. Perhaps as a starting point for this consideration, the draft resolution recommends issues of marine science — and the development and transfer of marine technology — as an area of focus for the next meeting of the Consultative Process in May 2001.

As in previous years, the draft resolution contains references to the problems of piracy and armed robbery at sea and to the ongoing work in the United Nations Educational, Scientific and Cultural Organization on

underwater cultural heritage. Coordination and cooperation in combating piracy and armed robbery at sea are also recommended as an area of focus for next year's meeting of the Consultative Process.

Finally, the draft resolution establishes a number of voluntary trust funds to assist developing countries and developing country representatives in various matters relating to oceans and the law of the sea. In the case of two of these funds — the fund to assist States in the settlement of disputes through the Tribunal and the fund to provide training to assist developing States with issues relating to the preparation of submissions to the Commission on the Limits of the Continental Shelf — terms of reference are annexed to assist the Secretary-General in their administration.

While it would have been my preference to commend this draft resolution for adoption by consensus, I understand that this will not be possible, as it has become customary for one delegation to request a vote.

Allow me now to make some comments on behalf of my own country, New Zealand. Clearly, the oceans and seas are a genuine and long-standing preoccupation for my delegation. All countries have their own creation myths and stories and, in New Zealand's case, this account demonstrates the centrality of the oceans and their resources to our way of thinking. New Zealand is made of three islands – two large and one small – and one of the accounts of its creation goes as follows: Maui, a demigod, was fishing in his canoe and pulled up the largest fish he had ever caught. The fish struggled, but Maui fought fiercely and pounded the fish with his greenstone *mere*. Te-ika-a-Maui, the fish of Maui, became the north island of New Zealand, with the blows of his club forming the mountains and ranges Visible today. His canoe, Te-waka-a-Maui, become the south island, while the third and smallest island, Stewart Island, is the canoe's anchor stone.

As we look at the broad spectrum of issues contained in the Secretary-General's report and reflected in the draft resolutions to be adopted under this item, it is more apparent than ever that the problems of oceans and seas are interrelated and need to be considered as a whole. This principle is at the heart of the Convention and the same integrated approach needs to be taken to the implementation of the Convention and to the activities carried out within its framework.

As Ambassador Satya Nandan said two years ago in this Assembly, the establishment of the rule of law, albeit a major achievement, is not an end in itself, but rather a means to a more orderly and rational use of the oceans and their resources. We believe that the General Assembly has an important role in contributing to this end by maintaining oversight of the complex network of processes, organizations and responsibilities established by the Convention and ensuring that these activities take place in a way that accords with the overall balance achieved in the Convention.

We welcomed the establishment last year of the United Nations Open-ended Informal Consultative Process on Ocean Affairs and the Law of the Sea and the holding of its first meeting in May of this year. My delegation would like to pay a tribute to the dedicated efforts of the co-Chairmen, Ambassador Neroni Slade and Mr. Alan Simcock, in ensuring the success of the first meeting of the Consultative Process. We consider that the output of the Consultative Process has clearly enriched the informal consultations under this item and the resolutions to be adopted, and hopefully will now enrich the debate that we are to have today.

Our views will be incorporated in the Pacific Group statement being delivered later today by the Ambassador of Tonga, so at this stage I will confine myself to a few key issues of particular importance to my delegation. As we look at developments over recent years, we are encouraged that much of the work envisaged in the Convention is under way and that in many areas there is considerable progress. The Convention is really starting to work and breathe.

The United Nations Fish Stocks Agreement has yet to enter into force, but with two recent ratifications from Barbados and Luxembourg, only two further ratifications are lacking, so entry into force is not far away. In the area of marine living resources, a number of regions have gone ahead to conclude third-generation agreements establishing regional fisheries management organizations envisaged in the United Nations Fish Stocks Agreement. One of these regions is the Pacific, where we are pleased, after years of hard work, to have adopted the Western and Central Pacific Fisheries Convention. We consider that this Convention represents a fair balance between the rights and interests of coastal States and fishing nations, and hope that all countries will work together for the early entry into force of the Convention and to ensure that a solid foundation for the eventual work of the

commission established under this Convention is laid through the preparatory-conference process.

The problem of illegal, unreported and unregulated fishing is finally getting the attention it deserves, although unfortunately the October consultations in the Food and Agriculture Organization of the United Nations (FAO) fell short of completing the urgently needed international plan of action. All States need to take action to ensure that the activities of their nationals do not undermine the conservation and management measures agreed upon by regional fisheries management organizations. It is essential that FAO adopt a comprehensive approach to ensure that all States that can have a role in deterring illegal, unreported and unregulated fishing do in fact take up the challenge. This includes coastal States, port States and those States whose nationals and companies, as well as vessels, fish on the high seas and in other countries' waters. This also means encouraging States to ensure that their nationals do not resort to reflagging to deliberately avoid conservation and management measures.

Turning now to non-living marine resources, we were very pleased that the International Seabed Authority has adopted the regulations on prospecting and exploration for polymetallic nodules in the Area. We are pleased that these regulations require that a precautionary approach be applied to activities in the Area to ensure effective protection of the marine environment. We look forward to the early conclusion of contracts for exploration between the Authority and the registered pioneer investors in accordance with those regulations.

The Commission on the Limits of the Continental Shelf has also made considerable progress in its work and will soon begin to receive submissions from States. We welcomed very much the first open meeting of the Commission held earlier this year and consider that this meeting filled a very important function in familiarizing States with what is involved in preparing a submission. In our own case, we are currently working towards making our submission within the 10-year time-frame set down in the Convention.

We look forward to a constructive debate and to participating over the coming year in the many activities that are taking place within the framework of the Convention.

The President: I call on the representative of the United States of America to introduce draft resolution A/55/L.11.

Mr. Carmichael (United States of America): My delegation has the honour to co-sponsor the draft resolution entitled "Oceans and the law of the sea" in document A/55/L.10. We also have the honour to introduce, on behalf of the sponsors, the draft resolution entitled "Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments", in document A/55/L.11.

We would like to extend our gratitude to all those delegations that participated, and especially the delegations of New Zealand, Guyana and Argentina. They guided the discussions, offering valuable suggestions and advice as we worked together in a spirit of cooperation to draft these two texts.

We would also like to note that this year's fisheries resolution negotiations were attended by a significantly larger number of delegations than in recent years. We believe that this is reflective of the timely and important work that we are undertaking and underscores the importance of a balanced resolution that takes into account the priorities and problems facing the global community in achieving sustainable fisheries.

The United States believes that the draft resolution on fisheries before us today represents a successful merger of various regional and global priorities into a useful document that we sincerely hope the international community will fully endorse.

In the past several years, the international community has placed major emphasis on sustainable fisheries at both the governmental and intergovernmental levels. In 1999, the Committee on Fisheries (COFI) of the Food and Agriculture Organization of the United Nations (FAO) endorsed three International Plans of Action for the management of fishing capacity, for the conservation and management of sharks, and for reducing incidental catch of seabirds in longline fisheries. The United States welcomes their adoption and urges all countries to actively implement these important International Plans of Action in accordance with the timetables set forth in the plans.

In addition, this year the FAO's Committee on Fisheries made important progress in addressing the global problem of illegal, unreported and unregulated fishing, which undermines international and national efforts to conserve and manage fisheries resources. The United States strongly supports the FAO Committee's initiative to develop a comprehensive international plan of action to prevent, deter and eliminate this activity, and we have been participating actively in its development. We also wish to applaud the cooperation between the FAO and other United Nations bodies, such as the International Labour Organization and the International Maritime Organization, to combat this urgent problem.

We welcome the conclusion of negotiations to establish new regional fisheries management organizations in the Central and Western Pacific and the Southeast Atlantic Oceans. We would especially like to congratulate all those who participated in the adoption of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. This Convention establishes an effective system for conservation and long-term sustainability of the highly migratory species of the region. This region produces more than half of the world's annual tuna catch, which is often the only significant natural resource for small island developing States and island communities.

Marine pollution and the level of by-catch and discards in some commercial fisheries threaten the health of the marine ecosystem and the achievement of sustainable fisheries. Marine pollution and debris, from both land-generated and vessel-generated sources, can significantly affect the marine and coastal environment, commercial and artisanal fisheries, the tourism industry and navigational safety. Although there are international agreements that regulate marine pollution, more coordination is needed among all the relevant intergovernmental bodies, regional fisheries management organizations, industry and non-governmental organizations to effectively address this complex problem at both the global and regional levels.

In this regard, I note that it has been nearly a decade since the General Assembly unanimously adopted the resolution calling for the phase-out of all high seas drift-nets by 1992. Globally, we have made significant progress towards achieving this goal. Yet some illegal drift-netting with oversized nets continues. To end this hazardous fishery practice once and for all, countries must enforce fully General Assembly resolution 46/125 by calling for their relevant national authorities to confiscate and destroy illegal nets, impose fines significant enough to deter illegal drift-netting and, finally, to maintain a strong monitoring system.

The United States believes that nations took positive steps towards improved coordination and cooperation on matters relating to oceans and seas through the Informal Consultative Process on Oceans and the Law of the Sea.

The full General Assembly review and debate, presaged in the clear language of Agenda 21, is more informed, and the Secretary-General's report on oceans has become more meaningful and useful. Governments, intergovernmental organizations and major groups that take a keen interest in our work are all benefiting from this process. The informal process increases our contacts on ocean and coastal matters across Governments and ministries and widens the possibilities for future cooperation. We welcome the establishment of a trust fund to encourage greater participation of experts from all Member States in this process.

We believe that the international community benefited greatly from the discussion last May on protection of the marine environment from land-based activities. We must continue to look for opportunities to implement the Global Programme of Action. The upcoming review in 2001 provides such an opportunity. We also urge all to actively implement paragraphs 25 through 30 of the draft resolution before us.

Next year we will discuss marine science and piracy in the Informal Consultative Process. The marine science review will give us a chance to take a look at the science and technological sections set forth in chapter 17 of Agenda 21 to determine how much further we need to go to meet those goals. The piracy review is very timely and is particularly important to galvanize the further advancement of productive measures to address this serious threat to our seafarers, our oceans and our seas.

On the issue of marine science, we can think of many questions that should be reviewed. For instance, how can we better understand the coupled ocean/atmosphere system? How can we encourage the storage, archiving, analysis and full and open sharing of data and information resulting from scientific

research on and monitoring of the marine environment? How can we improve the linkages of training opportunities with the regional environmental organizations?

What is the best way to ensure support for the implementation of the global ocean observing system? How can we best effect the coordination and integration of national and international programmes of scientific research on and long-term observations of the marine environment to take maximum advantage of the data and information necessary for understanding the oceans? How can we ensure the development of standards, procedures, methods and measuring techniques to ensure the comparability and compatibility of data and information? How can we promote the integrated and sustained observing systems, in particular the establishment of the Argo global array of profiling floats, a prototype element of the global ocean observing system?

How do we link cross-cutting issues, such as human health, seafood safety, capacity-building, sustainable fisheries and the role of the ocean in climate with existing marine science and operational programmes and national and regional plans of action on land-based sources of pollution to the marine environment? How can we achieve the linkages and collaboration among the various international organizations and institutions, including the United Nations system and international financial institutions, necessary to provide marine scientific information to decision-makers?

The United States also shares the concerns expressed in this draft resolution for the need to cooperate to suppress acts of piracy and armed robbery at sea. We welcome the call for wider ratification and effective implementation of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocol. We believe this will provide an international legal basis for cooperation in the apprehension and prosecution of these criminals.

The United States wants to express its long-standing support for the 1982 United Nations Convention on the Law of the Sea. The United States continues to pursue ratification with the goal of becoming a party to the Convention on the Law of the Sea and the Agreement relating to the Implementation of Part XI.

We support the call in the draft resolution for States to harmonize as a matter of priority their national legislation with the provisions of the Convention on the Law of the Sea. Consistency would also be advanced — and this is in the interests of all — by the withdrawal of declarations and statements that are not in conformity with the Convention.

Concurrent with this idea of consistency is the ongoing work towards the development of a draft convention relating to underwater cultural heritage. Such a convention must be in full conformity with the relevant provisions of the Convention on the Law of the Sea.

We believe that the Commission on the Limits of the Continental Shelf can be a force for stability in ocean space. Essential elements of that stability include a cautious approach to thorny issues in the establishment of the outer limit of the continental shelf; the possibility of appropriate assistance to developing States, in particular the least-developed countries and small island developing States; a strict approach to ensuring confidentiality and an unvarying commitment to refrain from any actions which reflect negatively on the Commission or the Commissioners. In this regard, we support the terms of reference regarding the voluntary trust fund relating to the Commission and note the statement of the Chairman of the Commission of September 2000.

In summary, the United States objectives continue to be the promotion of widespread adherence to, and implementation of, the provisions of the Convention on the Law of the Sea and the 1994 Agreement; implementation of the Convention and the Agreement in a cost-effective manner with budgets held to the minimum; and the entry into force of the Agreement on fish stocks and the Food and Agriculture Organization Compliance Agreement.

The President: Before calling on the next speaker I should like to inform members that, owing to the large number of speakers inscribed in the debate on agenda item 34, the General Assembly will not be able to hear all the speakers this afternoon and will therefore hear the remaining speakers tomorrow, Friday, 27 October, at 3 p.m. with a view to concluding consideration of this item.

Mr. Boisson (Monaco) *(spoke in French)*: Allow me first of all to express the thanks of my delegation to Ms. Alison Drayton of the Republic of Guyana and to

Ms. Victoria Hallum of New Zealand for their enlightened conduct of the consultations on the draft resolution relating to oceans and the law of the sea that has just been presented and which the Principality of Monaco, as in previous sessions, has joined in sponsoring.

My delegation was among those which sponsored resolution 54/33 on the basis of which the General Assembly decided to set up the informal consultation process open to everybody on oceans and the law of the sea.

The first meeting showed to what extent we need to make maximum use of an integrated approach to all aspects — legal, economic, social, environmental and others — relating to oceans and the seas, and to improved coordination at the inter-governmental, inter-institutional levels, as well as at the regional, subregional and local levels, and thus enable the participation of the main groups identified in Agenda 21.

The success of these initial consultations is due primarily to the co-Presidents, Ambassador Slade of Samoa and Mr. Simcock of the United Kingdom — and we are very happy to see the extension of their mandate — and also to the Division for Ocean Affairs and the Law of the Sea. Their competence and their effective and well-advised conduct of the work and the constructive approach of the participating delegations enabled the first meeting to be a resounding success.

The results and the usefulness of the informal process will be evaluated at the fifty-seventh session of the General Assembly. Nevertheless, and without prejudice to discussions that will take place in two years, I would like to reaffirm the support of my delegation to this initiative which enables the General Assembly to better fulfil its annual mandate to examine and analyse ocean affairs and the law of the sea.

As we have seen, a few hours of formal meeting in the Assembly is not sufficient to enable us to pay due attention to the question of ocean affairs, and, in particular, to the areas where coordination and cooperation must be strengthened.

In saying this, we must draw attention to the increase in work faced by the Division for Ocean Affairs and the Law of the Sea and the Assembly must draw the necessary conclusions and enable the Division to continue its excellent work.

In this context, it would also seem to be essential to ensure effective participation of the developing countries in this process and, particularly, the participation of the least-developed countries, the small-island States as well as coastal States.

The Principality has always been a firm defender of the protection of the marine environment and its resources. This is an indissociable part of preserving the earth's ecosystem.

The fact that our small country is so open to the Mediterranean fully justifies its involvement in matters of regional and subregional cooperation and our action to promote sustainable management of the oceans, the seas and their resources and, in particular, the coastal areas, which are the most vulnerable because of the high density of population living there.

In this connection I would like to mention the recent events in which my country has been involved.

First, regarding the fight against pollution. At the beginning of this month, within the framework of the RAMOGE agreement and its anti-pollution plan, cooperation was established between Italy, France and Monaco for the protection of the marine and coastal environment, following which the first simulation exercise took place aimed at fighting pollution around the port of Genoa in Italy. Representatives of the European Economic Commission and the Mediterranean Action Plan took part in this exercise, whose aim was to measure the effectiveness of intervention measures in cases of accidental oil spills from tankers.

From 6 to 11 November, under the auspices of the United Nations Environment Programme, the third global meeting on regional seas conventions and action plans will take place. This meeting, organized by the International Atomic Energy Agency (IAEA) Marine Environment Laboratory, whose Headquarters is situated in the Principality, will enable us to promote cooperation between the bodies created by these Conventions and Action Plans for the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities. Experts from some 20 United Nations agencies will also study the strengthening of the links between the programme relating to regional seas and other conventions and agreements, such as the Convention on Biological Diversity, the Convention on International Trade in Endangered Species, the

Convention on the Conservation of Migratory Species, the Ramsar Convention on Wetlands and the Basle Convention on hazardous wastes. My country hopes that this will also be the opportunity to give a new stimulus to the Global Plan of Action for the Conservation, Management and Utilization of Marine Mammals. From 14 to 17 November, in Tunis, the Mediterranean Commission for Sustainable Development, of which Monaco is a member, will appraise the state of the Mediterranean environment as a whole.

With regard to the protection of marine resources, the parties to the agreement between France, Italy and Monaco for the protection of marine mammals, signed at Rome on 25 November 1999, met on 19 October to jointly begin scientific and technical work and to prepare the management structures for the planned sanctuary, ready for when the agreement enters into force. A scientific and technical committee will be established to assist the three Governments apply scientific knowledge to conservation, raising public awareness and communication activities, as well as the impact of human activities, such as tourism, fishing and sailing and boating, particularly involving speedboats and racing.

Finally, the Principality has offered to accommodate the Secretariat of the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area, which will enter into force when another Mediterranean country deposits its instrument of ratification.

The Monaco Scientific Research Centre has begun, just a few days ago, to produce a map of the Mediterranean coastal area stretching from the French town of Toulon to the Italian border. Thanks to multispectral remote sensing, we have been able to draw up a positive balance sheet of this over-built area, which is also over-populated in summer. The presence of several habitats of *posidonia,* a plant which plays a vital role in the Mediterranean ecosystem, was particularly revealing. It shows that efforts with regard to the treatment of liquid waste and raising the consciousness of populations and yachts-people must be pursued.

Illegal, unreported and unregulated fishing must receive priority attention, because of its dangerous impact both on the management and sustainable exploitation of marine resources and on the economies of a number of countries. We hope that the plan of action of the Food and Agriculture Organization of the United Nations, to be presented to its Committee on Fisheries at the Committee's twenty-fourth session in February 2001, can be examined and adopted quickly. Recognition of the flag State's responsibility is, in our view, of prime importance.

Cooperation and coordination are also vital if we wish to stop the increasing, serious acts of piracy and armed theft that are unfortunately experienced by vessels and sailors. Given that two thirds of reported incidents occur in seven geographical zones, regional cooperation between the most affected coastal States is essential. The International Maritime Organization, which established a working group to establish guidelines on this matter, has also drawn the Assembly's attention to the assistance that other United Nations bodies could give to this vital initiative. My Government, of course, favours this. The question should be included on the agenda of the next meeting of the Informal Consultative Process, so that Member States can consider the question and draw up concrete measures.

The Commission on the Limits of the Continental Shelf held a public meeting on 1 May 2000, at which we were able to stress concerns about the difficulties a number of developing countries face in preparing submissions to establish the outer limits of their continental shelf beyond 200 nautical miles, as set forth in article 4 of annex II to the United Nations Convention on the Law of the Sea. My delegation welcomes the attention paid to this delicate question in the draft resolution.

Before concluding, I wish to pay tribute to the International Seabed Authority, whose Assembly adopted on 13 July 2000 the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area. A new era is about to begin that will offer the Authority the opportunity to conclude contracts with the pioneer investors in accordance with the Convention, the Agreement relating to the Implementation of Part XI and the regulations.

I take this opportunity to thank the Authority's Secretary-General, Mr. Satya Nandan, for his tireless efforts and dedication.

Mr. Alabrune (France) (*spoke in French*): It is my honour to speak on behalf of the European Union

on this agenda item "Oceans and the law of the sea". The Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia — and the associated countries Cyprus and Malta align themselves with this statement.

The preparation and subsequent entry into force of the Montego Bay Convention marked major progress in strengthening international cooperation in maritime matters. However, over and above the contribution of this valuable legal instrument, there is an urgent need to informally strengthen this cooperation in order to protect the marine environment and avoid the risk of overexploitation of natural marine resources. That is why last year, on the recommendation of the Commission on Sustainable Development, the General Assembly introduced in resolution 54/33 the Informal Consultative Process on Oceans and the law of the Sea, which, through an integrated approach to all pertinent aspects of ocean affairs, should facilitate the General Assembly's yearly review of developments in this area.

The first meeting of the Informal Consultative Process was held in New York from 30 May to 2 June 2000. Conducted in a spirit of consensus, with the participation of competent international agencies and organizations and representatives of civil society, its work proved most fruitful. The European Union reaffirms its full support for the Informal Consultative Process and fully endorses the recommendations of its report. It emphasizes in particular the need to support the fight against illegal, unreported and unregulated fishing and marine pollution.

The thoughts expressed during the Informal Consultative Process once again illustrated the relevance of the legal framework provided by the United Nations Convention on the Law of the Sea. By their very nature, questions connected with oceans and the law of the sea require a broad approach. In this regard, the Montego Bay Convention remains a vital underpinning of all the international community's efforts in the areas of exploitation of the marine environment and the promotion of peace and security on the high seas.

In view of the major role played by the Convention and by the Agreement relating to the implementation of Part XI, the European Union stresses that it is the aim to secure universal accession to those two instruments, to which the European Union is party. We welcome the increase in the number of parties to those instruments, to 135 for the Convention and to 100 for the Agreement relating to the implementation of Part XI. Because of their universal character, the European Union calls for the inclusion of the Convention and the Agreement in the Secretariat's list of major international instruments to be signed and ratified as a matter of priority.

At the same time, we note with concern that some States have acceded to the Convention and not to the Agreement relating to the implementation of Part XI. We call upon those States to accede to the Agreement as soon as possible. Moreover, a number of States have made statements that affect the legal scope of provisions of the Convention. Article 309 of the Convention states that no reservations or exceptions may be made to the Convention. The European Union thus stresses that such statements are without legal force. Similarly, the espousal or introduction in the national law of States parties or in international agreements of provisions that run counter to the Convention is unacceptable to us.

We believe also that the smooth functioning of bodies established under the Convention is crucial. The European Union welcomes the fact that the International Tribunal for the Law of the Sea is now operational, and it welcomes the International Seabed Authority's adoption, after four years of work, of a draft seabed mining code with respect to exploration and exploitation of the seabed.

The European Union stresses the vital importance of parties to the Convention paying their contributions to the Authority and to the Tribunal on time. Likewise, States that are former provisional members of the Authority should, where necessary, settle their debts. This process of financial rationalization should be accompanied by a sustained effort by the Authority and the Tribunal to control their operating costs. Here, the European Union expresses its satisfaction with respect to the stabilization of the Authority's budget at the end of its establishment phase. It is imperative also that the judgements of the Tribunal be promptly implemented by the parties concerned.

The European Union stresses the importance of the new trust funds that would be established by the terms of draft resolution A/55/L.10, "Oceans and the

law of the sea", especially those intended to assist States with the settlement of disputes through the Tribunal and to facilitate broad participation in the informal consultative process. The United Kingdom, a member of the European Union, has already decided to contribute $10,000 to the Tribunal trust fund.

The European Union expresses its satisfaction with draft resolution A/55/L.10, entitled "Oceans and the law of the sea", on which action will be taken at the present session. We also join in congratulating Ms. Alison Drayton and Ms. Victoria Hallum, who coordinated the preparation of the draft resolution. The text takes into account the proposals formulated at the first meeting of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea, designed, in particular, to strengthen international cooperation and coordination in ocean affairs with a view to ensuring sustainable use of the oceans.

The European Union further welcomes the fact that the next meeting of the Open-ended Informal Consultative Process will be devoted to marine science and technology transfers, relating in particular to capacity-building. The European Union stresses the important role of marine science and technology in promoting the sustainable management and use of the oceans, and it recognizes the need to address such questions, especially in specific areas where international cooperation and coordination could be improved, in accordance with parts XIII and XIV of the Convention, and with Agenda 21.

Issues of maritime safety and security remain a major European Union concern. We note with concern the increase in the number of often violent attacks on ships. Here, we stress the great importance of the work that the International Maritime Organization (IMO) has been doing for a number of years to combat piracy, work which has given us a better understanding of the phenomenon and of how to deal with it. The European Union thus renews its appeal to coastal States to cooperate among themselves and to take the necessary steps, inter alia, to bring the perpetrators of such attacks to book. We further call on flag States and other affected States to ensure that shipping companies take full account of the need to protect their vessels and crews from such attacks. The European Union reaffirms its support for the efforts and initiatives of the International Maritime Organization in that sphere, and calls upon Governments, especially those in areas that are worst affected, to work with the IMO to eradicate these crimes.

The European Union looks forward to the consideration at the next meeting of the Informal Consultative Process of the issue of piracy and armed robbery at sea. We hope for the broadest possible participation in the debate to help improve understanding of the full extent of the problem and of the need for all States to do what is necessary to reduce the number of these attacks.

Particular sea routes are often preferred by traffickers, particularly those who traffic in migrants. To stop such trafficking, States members of the European Union have been actively involved in the preparation of a draft protocol against the smuggling of migrants by land, air and sea as part of the process of preparing a convention against transnational organized crime, under the auspices of the United Nations Commission on Crime Prevention and Criminal Justice. The European Union believes that such activities must be internationally criminalized, and that cooperation among States should be strengthened in this area.

The European Union reiterates the importance of protecting marine natural resources. Last year, the General Assembly, in its resolution 54/32, entitled "Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks", noted the fragility of stocks of marine natural resources. This remains a pressing issue this year, and we call upon Member States to sign and ratify that Agreement. The European Community and its member States signed it in 1996, and instruments of ratification will be deposited upon completion of each State's internal constitutional procedures. The European Union recalls the equitable balance of interests reflected in the drafting of the Agreement, and the Union vigorously urges all signatory States fully to respect every provision of the Agreement without applying interpretations that go beyond the general principles of the United Nations Convention on the Law of the Sea.

Here, it is worth recalling the need to strengthen international cooperation in the conservation and sustainable management of fish resources. The European Union therefore strongly supports the establishment and strengthening of regional fisheries

organizations. We deem it necessary, however, to recall that the development of these organizations should take place with due regard for the principles of the law of the sea and in the context of respect for a balance between the rights and obligations of States on the high seas. Furthermore, these organizations should be open to all States with genuine fishing interests in the fisheries that they administer.

The European Union believes also that the Code of Conduct for Responsible Fisheries, drafted under the auspices of the Food and Agriculture Organization of the United Nations (FAO), is a particularly useful tool, and it continues to recommend its use by all national and regional bodies responsible for administering fisheries. We believe that the adoption of this Code will lead to the fair and sustainable management of resources. We thank the FAO for its efforts to promote this Code of Conduct. For our part, we will ensure that the Code governs the relations of the European Community and developing States with respect to fishing activities.

Within the framework of this Code, the main priority is to continue work on an international plan of action to prevent and eliminate illegal, unreported and unregulated fishing. The European Union hopes that the meeting in 2001 of the FAO Committee on Fisheries will lead to the adoption of a dynamic plan that includes a comprehensive set of tools to deal with illegal fishing, including all those already in place or being developed in regional fisheries management organizations. These include, for instance, measures relating to port State control, trade-related measures, and — without prejudice to the essential role of the flag State — measures against nationals engaged in illegal fishing activities.

The European Union considers the issue of marine pollution from land-based sources to be a matter of the great importance. We therefore welcome the quality and richness of the discussions held in the framework of the first meeting of the Informal Consultative Process on ocean affairs. We fully share the view that it is absolutely necessary, in the pursuit of the goal of sustainable development, to make use of a more integrated approach in fighting pollution and the degradation of the marine environment and in combating its harmful effects on health, on the economy and on society.

To this end, we also believe it necessary to promote the effective implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and to ensure that its objectives are adequately and effectively translated into local, national and regional plans of action and fully taken into account in the work of international financial institutions and of bilateral and multilateral donors.

We believe also that the combat against marine pollution from land-based sources can be truly effective only if it is waged at the level of the entire catchment basin, with priority accorded to prevention measures at the source. We therefore favour the development of an integrated approach to coastal zone management and to the catchment basin as a whole that takes into account the ecosystems concerned. In this regard, we deem it essential to promote capacity-building at all levels, particularly the local level, especially in developing countries.

We are concerned, however, at the risks posed by maritime transport activities that do not respect the safety rules prescribed by international regulations. With regard to pollution from vessels, several matters remain to be resolved, despite their social, economic and environmental importance. These relate in particular to the implementation of the relevant international legal instruments, the transport of goods, safety rules, and the rules governing routing and flag changes.

The European Union stresses also the importance of the protection of the underwater cultural heritage. We hope that all interested parties will continue to play an active role in the elaboration of a United Nations Educational, Scientific and Cultural Organization (UNESCO) draft convention.

The European Union welcomes the efforts of the Secretariat to improve the report and the timeliness of its publication. It encourages the Secretariat to find ways and means of making further improvements, in accordance with paragraph 42 of the draft resolution on "Oceans and the law of the sea", which contains suggestions on improving coordination on ocean issues. This year's report and subsequent efforts will confirm our confidence in the ability of the Secretariat to deal with this issue competently and efficiently.

Finally, we would like once again to encourage the continuation of the discussions begun within the

consultative process on oceans and law of the sea, a process which, we believe, has made an important and effective contribution to preparations for, and to the richness of, today's debate.

Mr. Longva (Norway): The entry into force in 1994 of the 1982 United Nations Convention on the Law of the Sea was an event of historic significance. The Convention remains the fundamental legal framework within which all activities related to the oceans must be considered.

The implementation of the Convention involves important parts of the United Nations system. Under the Convention and related resolutions of the Third United Nations Conference of the Law of the Sea, important responsibilities are entrusted to the Secretary-General. In its pertinent resolutions, the General Assembly has requested the Secretary-General to carry out these responsibilities. Different provisions of the Convention assign important tasks with respect to its implementation to competent international organizations, such as the International Maritime Organization (IMO) and the Food and Agriculture Organization of the United Nations (FAO). The institutions established under the Convention itself, including the Meeting of States Parties, have their own specific tasks with respect to its implementation. The General Assembly is the only global body with the competence to undertake overall reviews and evaluations of the implementation of the Convention and other developments relating to ocean affairs and the law of the sea.

In its resolution 49/28, the General Assembly decided to undertake an annual review and evaluation on the basis of a comprehensive report prepared by the Secretary-General. Norway attaches the utmost importance to this mechanism, which is also an implementation of article 319, paragraph 2, subparagraph (a) of the Convention on the Law of the Sea.

Since the entry into force of UNCLOS, the establishment of the institutions created under the Convention has been the main challenge with respect to its implementation. The International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf are now established and working. This is no minor achievement, given the short period of time that has elapsed since 1994.

In the view of the Norwegian Government, the next important task with respect to the implementation of UNCLOS is a follow-up to part XII, on protection and preservation of the marine environment, part XIII, on marine scientific research and part XIV, on development and transfer of marine technology. These are tasks which will require international cooperation at both the global and regional levels. Furthermore, they will necessitate increased national attention and legislative action if we are to make better use of the provisions of these parts of UNCLOS.

An important task with respect to the implementation of UNCLOS is the follow-up to part XIV, on development and transfer of marine technology. Appropriate international funding for ocean research and development is an important aspect of this task. Many States, especially developing States, have a need for advice and assistance in implementing the Convention and developing and strengthening their capabilities in order to enable them to benefit fully from the legal regime for the seas and oceans established by the Convention.

Today, an urgent challenge with respect to development and transfer of marine technology is that of providing the least developed States, including small island developing States, with adequate funding and technical assistance for the submission of technical and scientific data to the Commission on the Limits of the Continental Shelf, in accordance with article 76 of UNCLOS.

We are conscious of the need for States that have a continental shelf which extends beyond 200 miles to devote appropriate national resources to carrying out the preparatory work needed for the submission of information to the Commission. For relevant least developed countries in particular, including small island developing States, this may represent a considerable expenditure in the short term, while having a bearing on the future mapping of the natural resources of the continental shelf. Norway acknowledges the importance of adequate support in this context.

We consider it both timely and appropriate, therefore, to endeavour to take forward, at this General Assembly session, in cooperation with other States, the recommendation from the Tenth Meeting of States Parties to the Convention, to establish a voluntary trust fund intended to assist these States, both in respect of

the scientific and technical requirements to be met in making a submission and of the ability to comply with the time limit set forth in the Convention. We see the establishment of such a fund as a contribution to promoting and implementing important principles of part XIV of the Convention, on development and transfer of marine technology.

I have the pleasure to announce that as soon as the trust fund has been established, Norway will make a contribution of $1 million, subject to Parliamentary approval of the Government's budgetary proposal in the immediate future. We urge other States, as well as international organizations and other bodies, to match this contribution.

There have been important and substantial developments related to the work of the three institutions created by the Convention. We are pleased that the International Seabed Authority was able to complete its sixth session with the adoption, on 13 July 2000, of Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area for mining activities in the Area — the so-called mining code. The Authority is now able to proceed to issue contracts for exploration with the seven registered pioneer investors whose plans of work were approved by the Council of the Authority in 1997.

The International Tribunal for the Law of the Sea is demonstrating an effective role pursuant to the Convention. The Tribunal is one of several means of dispute settlement procedures that States parties may choose under article 287 of the Convention. The burden of costs should not influence the decision on the choice of settlement procedure. We support the establishment of a trust fund to provide financial assistance to States parties for expenses incurred in connection with cases submitted, or to be submitted, to the Tribunal. Norway will also consider contributing to this fund.

As regards the Commission for the delimitation of the outer limits of the continental shelf, we were quite satisfied with the useful, high-quality presentations given by the Commission at its open meeting in New York on 1 May this year. The meeting was intended to familiarize representatives of coastal States with the issue of the delineation of the outer limits of the continental shelf and the functions of the Commission in that respect. The Commission is currently prepared both to accept submissions from coastal States and to provide any scientific and technical advice that States preparing submissions may wish to obtain. Information on the limits should be submitted to the Commission within 10 years of the entry into force of the Convention for that State.

The International Maritime Organization (IMO) is one of the main competent organizations under the Convention and the appropriate forum to address and adopt safety and pollution prevention standards affecting international shipping. Norway welcomes the IMO's substantive work on regulating the prevention of pollution of the marine environment by ships, and appreciated the Organization's follow-up on the proposals instigated in the wake of the sinking of the oil tanker *Erika* in December 1999. As in the past, we are certain of the Organization's ability to act in a decisive and expeditious manner on suggestions put before it.

Norway was among the early ratifiers of the United Nations Agreement on Fish Stocks. We are concerned that today, more than four years after its adoption, it has still not entered into force. We urge other States to ratify and implement the Agreement as soon as possible. At the same time, however, it ought to be stressed again that the status of fisheries on the high seas in certain areas is so alarming that one cannot await the entry into force of the United Nations Agreement in order to take appropriate action. Unregulated fisheries need to be brought under control, and this is a precondition for the sustainable development of fisheries. In this connection, we recognize the strides made by existing regional fisheries organizations and arrangements, such as the North-East Atlantic Fisheries Commission and the North-West Atlantic Fisheries Organization, including the adoption of mandatory vessel-monitoring systems.

We are pleased to welcome the conclusion of successful negotiations on the establishment of new regional fisheries management organizations into heretofore unmanaged fisheries in the South-East Atlantic and the Western and Central Pacific.

In an attempt to further discourage unregulated fisheries on the high seas, Norway adopted regulations stating that an application for a licence to fish in the Norwegian economic zone may be denied or withdrawn if the vessel in question, or its owner, has participated in unregulated fisheries on the high seas involving fish

stocks that are subject to regulation in waters under Norwegian fisheries jurisdiction.

The provisions imply, inter alia, that a given vessel may also be denied a fishing licence in Norwegian waters even if it is operated by persons other than those who participate in the unregulated fishing concerned. Last year, these regulations were amended to include fishing operations that contravene regulatory measures laid down by regional fisheries organizations and with regard to fish stocks other than those subject to regulation in waters under Norwegian jurisdiction. Since this has reduced the second-hand market value of any vessel that has participated in unregulated fishing, it has proved to be an effective tool in combating unregulated fisheries.

Illegal, unregulated and unreported fishing also occurs in zones under the national jurisdiction of coastal States, particularly developing coastal States, in violation of their rights and jurisdiction to conserve and manage the living marine resources in those areas. Norway recognizes the need for capacity-building to ensure that, developing States especially, have the ability to benefit from the sustainable development of their marine resources and to provide assistance to developing States in upgrading their capabilities in monitoring, control and enforcement of fishing regulations.

The technical consultations that took place at the Food and Agriculture Organization of the United Nations (FAO) Headquarters in Rome earlier this month aimed at agreeing on an international plan of action to combat illegal, unregulated and unreported fishing are both timely and necessary. We support the efforts to bring these negotiations to a successful conclusion in time for the adoption of a plan of action by the FAO Committee on Fisheries in February 2001.

The large over-investment and consequently, over-capacity, in the world's fishing fleets is another urgent issue that needs to be addressed. All States should take action in this regard by actively taking measures to bring their fishing fleets in balance with the carrying capacity of available resources. Subsidies leading to over-capacity should be eliminated. Decommissioning schemes should be introduced when appropriate. Norway will continue to participate in a constructive manner in work on this issue, within both the FAO and the World Trade Organization (WTO).

Norway is following closely the work being carried out within a meeting of governmental experts convened by the United Nations Educational, Scientific and Cultural Organization (UNESCO) to consider a draft convention for the protection of underwater cultural heritage. While being conscious of the need to ensure proper protection of that cultural heritage, it is in our view imperative that new regulations in this field must be in full conformity with the relevant provisions of the United Nations Conference on the Law of the Sea, including those concerning the rights and jurisdiction of the coastal State and the rights and freedom of other States in the exclusive economic zone and on the continental shelf, and those concerning the freedom of the high seas. Consensus on this point is essential if a draft text is to be considered for adoption.

Norway is of the opinion that a possible new legal instrument should be linked to the United Nations Conference on the Law of the Sea in the same way as the United Nations Agreement on fish stocks is. We are convinced that the United Nations General Assembly, through consideration of its agenda item on "Oceans and the law of the sea", can and should provide the necessary guidance and coordination to the ongoing work within UNESCO on the protection of the underwater cultural heritage. In our view, the UNESCO General Conference should transmit to the United Nations General Assembly a possible draft text for a new international instrument for appropriate consideration and possible adoption.

The Secretary-General's report on oceans and the law of the sea, which constitutes the basis for our debate today, documents a dynamic and expanding oceans agenda. It is important that the General Assembly be up to this challenge. The question of what form this debate should take in the future has been raised. It is a widely held view that more time and attention should be devoted by the Assembly to the Secretary-General's annual report on oceans and law of the sea. The open-ended informal consultative process established for a three-year period in resolution 54/33 must be seen against this background. Substantive elements that emerged from the first meeting of this process have contributed to a broader understanding of issues covered by the Secretary-General's report.

The review of the effectiveness and utility of the informal consultative process at the fifty-seventh session in 2002 will give us a good opportunity to take

stock of the progress made and to decide the direction to be taken in the future.

Mr. King (Canada): I am pleased to be here today to share with you Canada's perspective on the importance of sound oceans management. Indeed, today's debate provides an excellent opportunity to reflect on our ocean responsibilities — how we care for and manage the seas, now and in the years to come. We have an opportunity as ocean nations, in particular, to renew our global commitment to the sustainable use and responsible development of oceans and their resources.

Canada certainly considers itself to be an ocean nation. We have long had a significant stake in ensuring the health and well-being of our oceans. We are one of the few States in the world that borders on three oceans. Our history and trade are inextricably linked to the sea. Today, our oceans remain the base upon which our coastal communities grow and flourish. We continue to prosper from them. And they still play a key role in shaping our identity as Canadians.

(spoke in French)

But today, Canada, like other nations around the world, is expanding its conception of what our oceans can provide. Traditional activities like fishing and shipping are now being joined by new and rapidly expanding activities like tourism, aquaculture, and oil and gas exportation. While this growth in activity is positive, managing this growth well means striking a sometimes delicate balance. We want to give new ocean activities room to grow and flourish, but we also want to protect our precious coastal and marine environments for future generations.

Other ocean nations also share these concerns. In recent decades, throughout the world, our attitudes towards our oceans have changed. They are no longer seen as limitless. Their increasing vulnerability, over both the short and long terms, is a harsh reality that we are facing at a global level.

(spoke in English)

This vulnerability affects the international community as a whole. That is why we must find solutions as a whole. It is as a community that we must take the steps necessary to conserve and protect this exceptional heritage for present and future generations.

We must do this in two interrelated steps — at the national level and at the international level. It was in this spirit that Canada became the first nation in the world to adopt an Oceans Act in 1997. The Act is our national blueprint for managing the relationship between our land and our three oceans in a fully integrated and sustainable way.

The Act clearly establishes, for the first time, the principles we want to foster in our oceans-management activities, principles like sustainable development and the precautionary and ecosystem approaches. It also gives us the specific legal and regulatory mechanisms we need to make our commitment to healthy oceans a reality. But it does something more.

(spoke in French)

To truly manage our oceans well, we must share the responsibility of stewardship and find ways to actively engage citizens in the process. In Canada, there are a host of interest groups that want to be part of the process. These include governments, industry, municipalities and indigenous communities. In all our activities we must find the best ways to balance these groups' different needs and perspectives, be they social, cultural, environmental or economic.

This is why the Oceans Act provides an effective mechanism to engage these groups in order to come up with the best possible mix of conservation, sustainable use and lasting economic development for our oceans in the years ahead. In short, the Act's commitment to integrated management is helping us to increase Canadians' involvement in the management of our oceans.

(spoke in English)

We are already seeing tangible results through our Integrated Management Programme and our work to identify marine protected areas. But our commitment to integrated management is not confined within our borders. Indeed, the challenges related to Canada's domestic oceans strongly parallel those we face at the international level. That is why we need to find overall "oceans solutions".

The challenge for us as a community is to find ways for diverse interested parties to participate meaningfully in planning and decision-making, while avoiding duplication and waste. This need for improved cooperation and integration on the global front resulted in the creation of the United Nations

Open-ended Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS). The instruction mandate given to UNICPOLOS by the General Assembly made it very clear that coordination and cooperation should be made a top priority.

(*spoke in French*)

Improved coordination is exactly what we need — locally, regionally and globally. In fact, since Rio in 1992, several international bodies have issued calls to work towards this goal. UNICPOLOS is translating this commitment into reality.

Canada is very pleased with the results of the first UNICPOLOS meeting, which have been carried forward in the draft resolution currently before the General Assembly.

(*spoke in English*)

From that meeting, we have gained the impression that the informality of UNICPOLOS is clearly its strength. We should strive to keep this process informal and encourage more direct exchanges between delegations and experts. In that way, UNICPOLOS can become an effective sounding board for new ideas about international oceans governance.

Take the Global Programme of Action, which was discussed at UNICPOLOS. The Programme encourages States to develop regional and national programmes to prevent, reduce and control land-based activities that degrade the marine environment. In Canada, we attach great importance to the Global Programme. On 8 June 2000 — Oceans Day in Canada — Canada became the first country in the world to develop its own National Programme of Action as part of the Global Programme. Canada's National Programme is giving us a strong and effective mechanism to bring different levels of government together to find cooperative, shared solutions. As a result, numerous initiatives are now in place, with the involvement of all levels of government.

In this context, I am pleased to announce that Canada will host the first five-year intergovernmental review of the Global Programme of Action in the fall of 2001. At this review we will all have the opportunity to measure our progress so far. I would like to take this opportunity to formally invite all Governments to participate in this review.

(*spoke in French*)

Let me now turn to an area of particular concern to Canada: fishing. In the fishing industry, the need to use the tools we have at our disposal is apparent. The problems besetting the world's fisheries are well known: too much capacity, too much killing power, too much rule-breaking and too little cooperation. Fortunately, the solutions to these problems are also known: reduction of capacity, management of stocks throughout their range and conservation measures based on scientific data and effective implementation.

(*spoke in English*)

These solutions have been embodied in three international instruments: the 1995 United Nations Agreement on Straddling and Highly Migratory Fish Stocks, the Compliance Agreement of the Food and Agriculture Organization of the United Nations (FAO) and the FAO Code of Conduct. They are also being addressed in an initiative currently under way in the FAO to create an international plan of action on illegal, unregulated and unreported fishing. UNICPOLOS also had a role to play here, dedicating a panel to this widespread problem.

We are heartened that the 1995 United Nations Agreement on Straddling and Highly Migratory Fish Stocks is rapidly approaching entry into force. The 1995 Agreement is the most important tool we have to deal with the problems facing the world's fisheries. The Agreement's strength lies in several areas: in its guiding principles, such as the precautionary approach, for the establishment of conservation and management measures; in the obligations it places upon all States parties not to undermine conservation and management measures taken by a regional fisheries management organization, whether or not they are a member of that organization; in its non-flag State enforcement regime; and in its binding dispute-settlement procedures.

However, agreements are worth little if they are not ratified and implemented. For its part, Canada ratified the 1995 Agreement in 1999 and has brought its domestic and foreign fisheries policies in line with the Agreement. We are also working hard to ensure that the Agreement is implemented in the regional fisheries-management organizations to which Canada belongs.

Canada would urge all countries to become party to the 1995 Agreement and then work to ensure the full implementation of their obligations under that

Agreement. In particular, States must ensure that the Agreement is fully applied within regional fisheries management organizations.

(*spoke in French*)

Canada is under no illusions with regard to solving the problems of the world's fisheries. We understand the extent of these problems. However, we can and must put an end to the exhaustion of fish stocks. If we fail to do so, it is because we have failed collectively, at the international level, to use the tools available to us.

(*spoke in English*)

And so, just as we look to the future for hope, we can look to the past for inspiration. The protection of the oceans, and the rational use and development of their living resources was a major theme at the 1992 world environmental summit at Rio. Canada believes this theme can and should be an important inspiration in the upcoming Rio +10 Conference in 2002.

I thank you, Sir, for allowing me to share the Canadian perspective on oceans and the law of the sea. As a community of nations, we share a magnificent resource, but one that requires our vigilance and our attention. We owe it to those who will follow us to ensure that we leave them a healthy, productive and sustainable oceans environment.

Mr. Sorreta (Philippines): Our growing populations and our ever-shrinking world have meant added burdens on our seas and oceans. Our seas remain an important source of sustenance and resources. Trade and commerce, the lifeblood of our globalized world, flow through our oceans at an increasing rate. Changes in the weather and environmental conditions in the seas bear indelibly on the rest of the globe.

The stakes continue to remain high as we carry on with our common effort to establish policies and norms for the peaceful, orderly, fair and sustainable use of our seas and oceans. These efforts were given a boost when we established and held this year the first meeting of the United Nations Open-ended Informal Consultative Process on Ocean Affairs and the Law of the Sea to review developments in ocean affairs. Participation in that meeting was almost universal and experts from virtually all disciplines relating to the seas and oceans were present. The Philippines looks forward to the next meeting in this Consultative Process. We are very pleased that agreement could be reached in draft resolution A/55/L.10 on the subjects for the next meeting of the Process. We welcome in particular the inclusion of the issue of the development and transfer of marine technology and capacity-building. I am confident that we will be able to focus our discussions and arrive at meaningful results.

Meaningful results are what we need when it comes to the problems relating to unauthorized fishing in zones of national jurisdiction and on the high seas, and to illegal, unreported and unregulated fishing. The living marine resources of my country are under siege. Our marginal and traditional fisher-folk have to stay longer and go farther out to sea, and even then are not assured of any catch. This affects almost all of the fishing communities in my country and threatens the livelihood, the social and family well-being, as well as the very lives of a very large number of my countrymen.

We take our duty to protect our seas very seriously and exert every effort to prevent illegal fishing. We also actively participate in regional efforts to stem the flow of illegal fishing. However, we believe that the flag States have a responsibility to bear when their ships ignore established laws and disregard the welfare of the environment.

In this regard, the Philippines strongly supports the call in draft resolution A/55/L.11 on States to ensure that fishing vessels entitled to fly their flag do not fish in areas under the national jurisdiction of other States, unless duly authorized by the States concerned, and that they do not fish on the high seas in contravention of the applicable conservation and management measures.

We would like to express our appreciation to those flag States that have adopted measures to implement this call. We appreciate in particular those States which included the measures they have taken in the report of the Secretary-General in document A/55/386.

Rules and standards are indeed important and every State has actively sought to establish these in our seas and oceans. Of particular significance for my country are the determined and dedicated efforts of the small island developing States. They are the custodians of large areas of the world's oceans and have a high share of global biodiversity.

Because of the sensitivity of their environment and the delicate nature of their biodiversity, the small island developing States have exerted every effort and exercised great care in trying to establish higher standards in a variety of forums, even in one such as the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, where they proved to be effective advocates in protecting our oceans from nuclear waste. The norms and practices that they create in protecting the biodiversity of the small island developing States should serve as a benchmark for everyone's own efforts to do the same.

We are heartened by the inclusion in the agenda of the next meeting of the Consultative Process of the item on coordination and cooperation in combating piracy and armed robbery at sea. We also welcome the continued emphasis given in draft resolution A/55/L.10 on the problem of piracy. This is a problem that has reached serious and alarming levels in recent years.

The issue of piracy and armed robbery against ships is high on the agenda of the Philippine Government and is being handled at the cabinet level, where a process is being initiated whereby we will adopt a national plan of action to address piracy and armed robbery against ships. This national action plan will involve policies, strategies and the establishment of the necessary infrastructure and operational arrangements for preventing and suppressing piracy attacks and armed robbery against ships within and beyond Philippine waters.

While the seas are a source of life and sustenance, they can, ironically, also be a source of potential conflict. At the last session of the General Assembly, the Secretary-General concluded in his report on oceans and the law of the sea that it is particularly important that States agree on secure maritime boundaries, since such agreements contribute to the promotion of peace and stability at the regional level.

For the Philippines, secure maritime boundaries mean exactly that: boundaries that are established by law and agreement and not boundaries that are secured or imposed by force alone. Securing maritime boundaries is a difficult process. This process is made even more difficult when disputes over boundaries are coupled with territorial claims. As a country surrounded by seas on all sides, the Philippines continues to exert every effort to negotiate with its neighbours on our boundaries. Some negotiations are more difficult and infinitely more complex than others.

The conflicting claims to the South China Sea present one of the more demanding challenges to our efforts to secure our maritime boundaries. We base all our actions on the need to settle these disputes peacefully, in accordance with international law, including the United Nations Convention on the Law of the Sea (UNCLOS), and to continue to exercise self-restraint in the conduct of activities in the South China Sea.

In this regard, the Philippines has proposed the adoption of a regional code of conduct, which we hope will lay the foundation for long-term stability in the ocean and sea areas and foster greater trust and understanding among claimant countries. The leaders of the Association of South-East Asian Nations (ASEAN), at their Sixth ASEAN Summit, agreed to promote efforts to establish this code of conduct among the parties directly concerned. Earlier this month, the ASEAN-China Working Group on the Regional Code of Conduct on the South China Sea met once again and succeeded in narrowing differences on fundamental issues.

The Philippines expresses its appreciation to all States that have continued to take an interest in the peaceful, just and meaningful resolution of the conflicting claims in the South China Sea, particularly those that have helped to advance the dialogue on this issue by organizing and sponsoring meetings and discussions in informal and academic forums.

For the Philippines, the seas are not just a source of profit or business, but an important component of my country's food security and natural environment. In this context, we view draft resolution A/55/L.11 as a totality, with each component an indispensable part of the whole. The Philippines is a sponsor of that draft resolution, will support it in its entirety and hopes that others will do likewise. We have also been a traditional sponsor of draft resolution A/55/L.10 and hope that it will be adopted with the widest support possible.

As I said earlier, the stakes remain high, but we are confident that we are moving in the right direction. Our collective efforts are greatly aided by those who make sure that attention continues to be focused on our seas and oceans. We are thankful for the reports of the Secretary-General under the agenda item "Oceans and the law of the sea", as these help us understand where

we are and assist us in deciding where we want to go in the future. We also deeply appreciate the efforts of specific countries — particularly the delegations of Argentina, Australia, Guyana, New Zealand and the United States — in coordinating the crafting of the two draft resolutions before us, a task that was full of challenges. We also appreciate the active role played by the Group of 77 in the work on these draft resolutions.

The Chairman of the Meeting of UNCLOS States Parties and the co-Chairmen of the Consultative Process must also be commended for their hard work on behalf of our seas and oceans, and of course we must express our appreciation and recognize the hard work of the Division for Ocean Affairs and the Law of the Sea, whose dedication, expertise and professionalism are proving to be the glue that binds all our efforts. Even though we continue to expand the dialogue and venue on the law of the sea and on the oceans, we must remain focused on the fundamental need to protect our seas and oceans. This should remain our basic premise and should guide us in our future work.

Mr. Ingólfsson (Iceland): At the outset, I would like to commend the Secretariat, in particular the very able staff of the Division of Ocean Affairs and the Law of the Sea, for the comprehensive report on the oceans and the law of the sea. In our view, the report is a good basis for the annual debate in the General Assembly. I would also like to acknowledge the professional manner in which the coordinators conducted the informal consultations on the resolutions.

The oceans are receiving growing attention in the General Assembly. We welcome this development. The oceans are of particular importance to Iceland, as our economy is based on the sustainable harvesting of living marine resources. The health and responsible stewardship of the oceans are therefore of critical importance to Iceland.

At the fifty-fourth session of the General Assembly, we went through a substantial discussion on whether there was a need to improve coordination and cooperation in the area of ocean affairs, and if so, how it could be carried out. It was concluded that more time was needed to discuss the report of the Secretary-General on the oceans and the law of the sea. It was also agreed that there was a need for more active participation on the part of experts from capitals in such discussions, including legal advisors, experts in ocean affairs and environment experts. For this purpose, the General Assembly adopted resolution 54/33, establishing for three years an informal consultative process to discuss the Secretary-General's report.

Iceland took an active part in the preparation of resolution 54/33 and in the subsequent first meeting of this informal process last May. Generally speaking, we were satisfied with the first meeting of the informal process and would like to use this opportunity to thank the two Co-Chairmen, Ambassador Neroni Slade and Mr. Alan Simcock, for their valuable contribution including the report of the meeting.

My Government is, however, very concerned over the direction in which the subsequent debate here in the General Assembly seems to be moving. To be more specific, in the informal consultations this fall, several countries attempted to develop a general resolution on the fishery sector. My Government shares the concern of many countries over the state of the oceans and of fish stocks in some regions. My Government also understands the position of those countries pressing for a more active role of the General Assembly in the area of fisheries. Most of those countries are industrial countries, some of which have depleted or even lost fish stocks due to over-fishing. Many of them have over-capacity in their fisheries, leading them to send their fishing fleets to distant waters. Those countries should, however, not seek to export their problems or make generalizations on the state of fisheries on a global level. The fact that those countries have experienced difficulties does not mean that fisheries are not being managed in a sustainable manner in other regions of the world.

We have to bear in mind that for many countries fisheries are the main or a fundamental economic sector. In the case of my country, Iceland, fisheries represent over 70 per cent of our total exports of goods. Fisheries are also of fundamental importance for many developing countries. In more than 20 countries, fisheries exports account for between 10 and 75 per cent of total merchandise exports. In another 38 countries, fisheries exports contribute between two and nine per cent of trade receipts.

Fisheries are particularly important for the developing countries for their livelihood, food security and foreign exchange earnings. They provide the prime

source of animal protein for one billion people in the developing world. Of the 30 countries most dependent on fish as a protein source, all but four are in the developing world. In value terms the developing countries accounted in 1996 for more than half of the total world exports of fish and fish products.

We cannot expect these countries or other countries where fisheries are of fundamental economic importance to be subjected to micro-management of their economies by the General Assembly. Let me ask a question: Should the General Assembly pass annually or biannually an open-ended resolution on agriculture or industry in general or the oil industry, to name just a few examples? These sectors are of strategic importance to many countries, just as fisheries are to Iceland and many other coastal States.

This is not to say that the Government of Iceland is against all discussion in the General Assembly on issues that concern fisheries. But, we should focus such discussions on specific issues that have global implications and not on issues that fall within the purview of sovereign rights of States. The General Assembly should address issues that are global in nature and can only be resolved through global cooperation. We should thus discuss marine pollution, which respects no boundaries and must therefore be met with global action. We should also discuss needs to set a level playing field for the fishery sector that encourages sustainable fisheries globally, such as the need to remove fishery subsidies. Further examples can be identified.

Conservation and sustainable utilization of living marine resources are, on the other hand, a local and regional matter. We cannot therefore accept opening the door for global micro-management of fisheries, which are subject to the sovereign rights of States or under the responsibility of regional fisheries management organizations. My Government stands firmly against any attempts in the General Assembly to pass resolutions of such nature.

In this context, we must bear in mind that the Convention on the Law of the Sea provides the legal platform on which we must base all our deliberations. It is imperative that the Convention be fully implemented and that its integrity be preserved. We welcome the ratification of the Convention by three more States, which brings the total number of States parties to 135. We urge Member States of the United Nations that still have not ratified the Convention to do so.

In our view the Agreement on straddling fish stocks and highly migratory fish stocks is also of paramount importance as it provides a framework for conservation and management of all stocks by regional fisheries management organizations. Only two additional ratifications are now needed for the entry into force of this agreement. We encourage States that still have not ratified it to do so.

We note with satisfaction that the three institutions established under the Convention on the Law of the Sea are functioning well. The International Tribunal for the Law of the Sea has already dealt with five cases in an expeditious and effective manner. The International Seabed Authority has recently adopted the so-called mining code, and we look forward to further substantive work on the part of the Authority.

Iceland has also followed with keen interest the work of the Commission on the Limits of the Continental Shelf. The Commission has adopted its rules of procedure and scientific and technical guidelines and is ready to receive submissions from coastal States with information on the outer limits of the continental shelf beyond 200 nautical miles. To facilitate the work of coastal States in the preparation of submissions, the Commission held a successful open meeting last spring and recently adopted in outline a five-day training course on the delineation of the outer limits of the continental shelf. Iceland is willing to assist in developing further such a training course.

The implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activity of marine pollution has fallen short of expectation. Next year an intergovernmental review will take place on the progress of the implementation of the Global Programme of Action. It is important that this review lead to a renewal of commitments to the implementation of this very important programme. Pollution from land-based activities is the most serious and imminent threat to ocean habitats and biological diversity and represents between 70 and 80 per cent of all marine pollution.

It is imperative that States, intergovernmental organizations and United Nations agencies and programmes and other stakeholders take an active part in the 2001 intergovernmental review.

In conclusion, we emphasize that we must act with caution when seeking to improve our coordination and cooperation in the area of ocean affairs and the law of the sea. These issues must be addressed at the appropriate level and in a manner consistent with the rights and obligations set out in the Convention on the Law of the Sea and other relevant international agreements. That entails full respect for the sovereign rights of States over their living marine resources and for the competence of existing international organizations.

Mr. Palanimanickam (India): My delegation has joined in sponsoring the draft resolution contained in document A/54/L.10. We welcome the comprehensive and informative reports of the Secretary-General on matters relating to the oceans and the law of the sea. However, we note that the report contained in document A/55/61 was prepared in March 2000. Several noteworthy and important developments relating to the institutions established under the United Nations Convention on Law of the Sea have taken place. The 1982 United Nations Convention on the Law of the Sea is the cornerstone of the international legal regime relating to the oceans and seas. Given the importance of the Convention, the need for its universal acceptance cannot be overemphasized. My delegation notes with satisfaction that the number of States party to the Convention continues to increase steadily and to move closer to the ultimate goal of universal acceptance. However, we note that many States whose provisional membership, under the terms of the 1994 Agreement relating to the implementation of Part XI of the Convention, has since expired, have not so far taken the necessary steps to become parties to the Convention.

The unified character of the Convention must be maintained in order to ensure its effective and uniform implementation. It is essential for States parties, as a matter of priority, to harmonize their national legislations with the provisions of the Convention, in order to ensure the consistent application of those provisions.

My delegation is pleased to note that all the institutions provided for under the Convention, namely, the International Seabed Authority, the International Tribunal for the Law of the Sea, and the Commission on the Limits of the Continental Shelf, have been established and have completed work on the various administrative and institutional matters essential for their proper and effective functioning. Thus, all the institutions are now fully functional, and in a position to carry out the substantive mandates assigned to them under the Convention.

We welcome the adoption by the International Seabed Authority, at its resumed sixth session, of the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area, popularly referred to as the seabed mining code. The code constitutes the most important substantive basis for carrying out the functions of the International Seabed Authority, and with its completion, the Authority is now in a position to conclude formal contracts with the registered pioneer investors. India, the first State to be registered as a pioneer investor in 1987, had its plans of work for exploration of the mine site in the Indian Ocean approved by the Authority in 1997, and having fulfilled all the obligations under the Convention, the Agreement relating to Part XI, and resolution II, is eligible to obtain an exploration contract for its mine site. The Authority also approved, at this session, the Rules of Procedure of the Legal and Technical Commission, its Staff Regulations and elected 20 members to serve on its Council for a four-year term beginning in 2001. India was elected as a member of the Council in Group B representing States which have made the largest investment in seabed mining. We also wish to congratulate Ambassador Satya Nandan for his unanimous re-election as Secretary-General of the Authority and to assure him of our full cooperation.

The Commission on Limits of the Continental Shelf has adopted its Scientific and Technical Guidelines, which deal with the methodologies stipulated in Article 76 of the Convention for the establishment of the outer limits of the continental shelf, and are intended to assist coastal States regarding the technical nature and scope of the data and information that they need to submit to the Commission while submitting claims regarding the outer limits of their continental shelf. Thus, the Commission is now ready to accept submissions from coastal States and also to provide scientific and technical advice to States in preparing their submissions.

The open meeting on delineation of the continental shelf organized by the Commission on the Limits of the Continental Shelf at its seventh session, was particularly useful. It provided an opportunity for delegates to interact with members of the Commission.

to ascertain their views regarding the interpretation and application of the Scientific and Technical Guidelines, and to obtain first hand information on the issues relevant to the preparation by coastal States of submissions to establish the outer limits of their continental shelf beyond 200 nautical miles. This will assist States in preparing their submissions to the Commission. The Commission has also prepared the outline of a five-day training course that will be of practical benefit to coastal States in training their personnel through development of the requisite knowledge and skills.

Turning to the International Tribunal for the Law of the Sea, we note that the Tribunal has become a functioning judicial institution in the short time since it was inaugurated in October 1996. It has already heard five cases involving many important issues, such as the freedom of navigation and other internationally lawful uses of the seas, the enforcement of customs laws, re-fuelling vessels at sea and the right of hot pursuit, and was able to deliver its orders and judgements in these cases very expeditiously. We note that the Tribunal's new premises were officially opened on 3 July 2000, and appreciate the facilities provided by the host country, Germany, to enable the Tribunal's efficient functioning. With the conclusion of the agreement on the use and occupancy of the new premises, which was signed last week, the Tribunal will soon begin functioning from its new premises.

As noted in the report of the Secretary-General, the over-exploitation of living marine resources and excess fishing capacity continue to be a matter of grave concern. In addition, the prevalence of illegal, unregulated and unreported fishing is a severe problem affecting world fisheries, particularly those of developing countries, and is likely to have far-reaching adverse consequences for the long-term sustainable management of their fisheries. The Agreement on the conservation and management of straddling fish stocks and highly migratory fish stocks was a significant development in the implementation of the United Nations Convention on the Law of the Sea, and its early entry into force and implementation could help reverse the trend of overfishing in many areas. The Government of India is presently examining the Agreement with a view to acceding to it.

As a member of the Indian Ocean Tuna Commission and the Western Indian Ocean Tuna Organization, India is cooperating with the States of the region in the conservation and management of fishery resources. The Code of Conduct for Responsible Fisheries, adopted by the United Nations Food And Agriculture Organization (FAO) in 1995, and the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas need to be acceded to and applied with immediate effect. It is a matter of concern that overfishing continues to take place, in contravention of applicable regional conservation regimes, and that States are not meeting their obligations to ensure compliance by their flag vessels and nationals. The implementation of these Agreements will guarantee the enforcement of the rights of developing country coastal States. Technical and financial support must be extended to developing countries for capacity-building for development of their fisheries. We further believe that small-scale fisheries, including subsistence fisheries, should be protected, in view of their social and economic importance to coastal populations in developing countries.

Recognizing that issues relating to oceans and seas are highly complex and interrelated and need to be considered in an integrated manner, the General Assembly, highlighting the need to respect the international legal framework established by the United Nations Convention on the Law of the Sea, established by resolution 54/33 the open-ended informal consultative process, in order to facilitate its annual review of developments in ocean affairs in an effective and constructive manner. The first meeting of the Open-Ended Informal Consultative Process identified for detailed, in-depth consideration the topics of conservation and management of marine living resources, including illegal, unreported and unregulated fisheries, and marine pollution. For its second meeting the topics of marine science, including capacity-building, transfer of technology and piracy have been identified for consideration. We note that the effectiveness and utility of the Informal Consultative Process will be reviewed by the General Assembly at the fifty-seventh session.

Mr. Pham Binh Minh (Viet Nam): First of all, my delegation would like to express its appreciation to the Secretary-General for the comprehensive and informative report contained in document A/55/61. I would also like to express our satisfaction with the tremendous effort and valuable contribution made this

year by the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs and other international institutions relating to the questions of oceans and the law of the sea.

Viet Nam acknowledges with satisfaction that the large number of States parties to the 1982 United Nations Convention on the Law of the Sea, the 1994 Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 and the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks reflect not only the great significance of the Convention and its instruments, but also the universal acceptance of this legal framework. Moreover, they constitute a basis for building a new global maritime order for the international community and play a pivotal role in protecting the marine environment, preserving marine living resources and promoting the peaceful settlement of maritime disputes.

With regard to the institutions established under the Convention — namely, the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf — my delegation welcomes the progress made in the past year. My delegation welcomes the adoption of a set of Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area by the Assembly of the International Seabed Authority, which met in Kingston, Jamaica, on 13 July 2000. This is the first code ever elaborated to regulate activities relating to mineral resources on the ocean bottom beyond the jurisdiction of any nation. The new regulations are aimed at protecting deep seabed resources as the common heritage of mankind. We also note with satisfaction that the Authority is now in a position to proceed to issue contracts for exploration to registered pioneer investors in accordance with those regulations.

At the tenth meeting of the States parties to the Convention, held in May this year, the budget for the International Tribunal for the Law of the Sea for 2001 was adopted. My delegation is encouraged by the achievements being realized by the International Tribunal for the Law of the Sea and believes that they will continue steadily in the future. It is noteworthy that, with the consideration of five cases, more and more States are seeking recourse to the Tribunal for the settlement of disputes relating to the oceans and seas.

As a coastal State with a broad continental shelf, Viet Nam attaches great importance to the work of the Commission on the Limits of the Continental Shelf. Since its establishment in 1997, eight sessions of the Commission have been held, and the Commission has made considerable efforts in its organizational work and in carrying out its mandate. My delegation believes that the amendments to its Rules of Procedure, which were adopted during the eighth session, will effectively enhance the work of the Commission. Likewise, the adoption of the Scientific and Technical Guidelines provides assistance to coastal States on the technical nature and scope of data and information to be submitted to the Commission. For developing countries, training is critical to attain the necessary skills for preparation of submissions to the Commission. Therefore, assistance in this field is urgently needed.

The 1982 United Nations Convention on the Law of the Sea and its relevant instruments have enjoyed the strong and effective support of the Government of Viet Nam. Viet Nam always considers the Convention as a framework for national, regional and global activities in the maritime areas and continental shelves.

It is of great importance that the 1982 United Nations Convention on the Law of the Sea be seriously observed by States parties. Under the Convention, States parties, among other things, are to respect other parties' sovereignty, sovereign rights and jurisdiction over their maritime areas, continental shelves and exclusive economic zones. Unilateral activities, declarations and arrangements on the part of States are required to conform strictly to the provisions of the Convention. Therefore, those that run counter to the provisions of the 1982 United Nations Convention on the Law of the Sea and its annexes are considered as null and void by Viet Nam. Being a State party to the Convention, Viet Nam always respects the provisions of the Convention and fulfils its international commitments, and it therefore demands that other parties do likewise.

On the basis of the provisions of the 1982 United Nations Convention on the Law of the Sea, the Government of Viet Nam continues to adopt new laws and regulations and to amend outdated ones to further the harmonization between national law and

international law of the sea. In implementing its national programme of maritime affairs, my Government places high priority on educating the people about optimal exploitation as well as about the management and preservation of marine resources and the marine environment.

My Government also focuses on developing regional and international cooperation in marine scientific research and technology transfer, fisheries and oil exploration and exploitation. Wishing to create a favourable environment based on mutual understanding and confidence for future settlement of disputes regarding maritime boundaries in the Eastern Sea (South China Sea), Viet Nam is exerting great efforts to cooperate with China and with other members of the Association of South-East Asian Nations (ASEAN) to develop a regional code of conduct on the South China Sea. We fully support the 1992 ASEAN Declaration and the 1997 ASEAN-China Declaration on the principles for resolving disputes in the South China Sea.

My delegation would like to confirm the willingness of the Government of Viet Nam to extend its full cooperation for the effective implementation of the 1982 United Nations Convention on the Law of the Sea. We assure the Assembly of our Government's commitment to the promotion of an orderly regime for the oceans in a spirit of mutual understanding and cooperation, as stated in the Convention.

Mr. Su Wei (China) (*spoke in Chinese*): The Chinese delegation wishes at the outset to thank the Secretary-General for his report on oceans and the law of the sea (A/55/61), which provides a very useful basis for our consideration of the agenda item before us.

The world's oceans and seas are of paramount importance to the survival and development of human society. As a populous developing country, China, like other countries, attaches great importance to the exploration, utilization and sustainable management of marine resources, the protection of the marine environment and marine scientific research. All these elements have been integrated into our national strategy and programme for social and economic development. The Convention on the Law of the Sea and other relevant agreements, rules and regulations constitute the legal framework for, and the basic content of, modern international law of the sea. More than 130 countries have thus far ratified or acceded to the United Nations Convention on the Law of the Sea, and we are proud to be one of them.

Now, I should like to express the views of the Chinese Government on a number of points. First of all, we highly appreciate the progress made in the work of the International Seabed Authority. The regulations for prospecting and exploration for polymetallic nodules in the Area, adopted at the sixth session of the Authority, held in July this year, further concretized the concept of the common heritage of mankind, as enshrined in the Convention, and provided operational rules to be followed in the exploration and exploitation of international seabed resources. At the same time, we must realize that the Authority faces a very heavy workload in coming years. Not only must it conclude exploration contracts with the pioneer investors concerned, consider exploration applications from other countries and supervise exploration activities of contractors in the Area, but it must also initiate at the appropriate time the development of regulations on prospecting for marine resources other than polymetallic nodules. We look forward to the Authority functioning smoothly and achieving tangible results.

Turning, secondly, to the management and sustainable exploitation of marine living resources in areas beyond national jurisdiction, commendable results have been achieved over the past few years. The 1995 Agreement for the implementation of provisions of the United Nations Convention on the Law of the Sea relating to the conservation and management of straddling fish stocks and highly migratory fish stocks represents an important complement to and development of the Convention on the Law of the Sea. A number of regional regimes for the conservation and management of marine living resources are coming into being or are being strengthened. The Chinese Government has always highly appreciated the importance of the preservation and sustainable exploitation of marine living resources, and has been an active participant in the activities of the relevant fisheries management organizations. We are of the view that illegal, unregulated, unreported fishing activities have a severe adverse impact on the effectiveness of measures for the sustainable management and exploitation of marine living resources. We hope that coordination among United Nations agencies and regional fisheries organizations

will be strengthened so that the problem can be properly addressed.

Thirdly, I would like to say a few words about the Open-ended Informal Consultative Process on Oceans and the Law of the Sea. I wish first of all to congratulate the Co-chairpersons on the way in which they guided the first meeting of the Informal Consultative Process, during which useful discussions were held and positive progress made on a variety of topics, such as fisheries, environmental protection, scientific research, capacity-building, the suppression of crime at sea and the strengthening of regional cooperation. We hope that the Informal Consultative Process, in the spirit of resolution 54/33, will include in-depth discussions on oceans and the law of the sea.

Fourthly, we greatly appreciate the work of the International Tribunal for the Law of the Sea. The manner in which the Tribunal decided the Saiga cases, the Southern Bluefin Tuna cases and the Camouco case brought by Panama against France clearly illustrates the effectiveness of the Tribunal. We hope and believe that the Tribunal will play a greater role in the settlement of maritime disputes and in the maintenance of the international maritime order. We warmly congratulate the Tribunal on its move to its new permanent premises, and hope that this will mark a new starting point for its work.

As we enter the new millennium, we see an ever closer relationship between the oceans and the survival and development of mankind. Within the framework of the United Nations Convention on the Law of the Sea, the international community should make every effort to ensure that the oceans and seas better serve the interests of mankind and help bring about a healthy, stable international maritime order for the twenty-first century.

Mr. Suh Dae-won (Republic of Korea): My delegation welcomes this annual opportunity to review developments in the field of oceans and the law of the sea. The Secretary-General's report (A/55/61) accurately reflects the developments that took place during the period it covers, providing us with useful references for the consideration of this important agenda item. My delegation would like to thank the Secretary-General and the staff of the Division for Ocean Affairs and the Law of the Sea for their arduous efforts in preparing this comprehensive and informative report.

We take note of another report (A/55/274) before us this year, submitted by the Co-Chairpersons of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea for deliberation as part of this item. The first meeting of the Consultative Process was held from 30 May to 2 June of this year, and my delegation congratulates the Co-Chairpersons on its successful conclusion.

We note with satisfaction that international acceptance of the 1982 United Nations Convention on the Law of the Sea and the Agreement relating to the implementation of Part XI of the Convention has slightly increased over the past year, as three more States have acceded to it. The number of States parties to the Convention has now reached 135, which represents more than two thirds of the members of this body. While the gradual increase in the number of parties to the Convention represents a trend towards universal participation, it is our hope that the incremental progress towards the goal of universality will be accelerated with the ratification or accession of the remaining States.

It is important for the Convention to attain universality and maintain its unified character in order for it to develop into an effective global norm that ensures a stable and peaceful maritime order. In this regard, my delegation fully supports the call in paragraph 3 of draft resolution A/55/L.10 for the harmonization of national laws with the provisions of the Convention and for its consistent application. Encircled by seas on three sides, the Republic of Korea attaches great importance to maritime matters and considers it crucial to interpret and apply the Convention faithfully in its letter and spirit. We believe that as the charter and universal code for ocean affairs, the Convention should be fully respected by all members of the international community.

The three institutions of the Convention, namely the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf, have made substantial progress over the past year, strengthening and consolidating the institutional basis for their future activities. Particularly notable is the approval by the Authority of the Regulations on Prospecting and Exploration for Polymetallic Nodules during the second part of its sixth session last July.

Furthermore, the International Seabed Authority has almost completed its administrative work, such as the approval of its financial regulations and the adoption of staff regulations and the rules of the procedure of the Legal and Technical Commission. My delegation is satisfied with this achievement, which will allow the Authority to focus on more substantive work in future.

As a member of the Council of the Authority, the Republic of Korea has actively participated in all the work of the International Seabed Authority this year, fulfilling its obligations as a registered pioneer investor under the Convention and the Agreement by submitting a periodic report on its activities in the pioneer area and reporting on the progress of four trainees. My Government is now carefully studying the draft contract for exploration prepared by Ambassador Satya Nandan, the Secretary-General of the Authority, and will sign it in due course. We believe that the signing of the contract for exploration by all the registered pioneer investors will mark a milestone in human efforts to explore the deep seabed, one of the most precious common heritages of mankind.

The International Tribunal for the Law of the Sea, for its part, has undergone an important change this year through its move to a new headquarters built by the Government of the Federal Republic of Germany. My delegation would like to take this opportunity to express its deep gratitude to the German Government and the Free and Hanseatic City of Hamburg for their efforts and dedication to the efficient functioning of the Tribunal. In addition, this year has witnessed another adjudication by the Tribunal, namely that of the *Camouco* case, which concerns article 292 of the Convention on the prompt release of vessels and crews. As the number of cases dealt with by the Tribunal grows, its authority concerning the interpretation and application of the Convention and the Agreement seems to be increasingly strengthened. We hope that its unique role in settling maritime disputes will be enhanced as more cases are referred to it by States.

We are also pleased to note that the Commission on the Limits of the Continental Shelf has made headway this year in its task of assisting coastal States' submissions on the limits of extended continental shelves under article 76 and annex II of the Convention.

Crimes at sea — piracy and armed robbery in particular — are rampant in certain regions of the world and represent a serious threat to the lives of seafarers, the safety of navigation and the security of coastal States. It is particularly worrisome that, despite efforts by the international community to suppress these violent acts, there is still no sign of a significant decrease. My delegation fully supports a leading role for the International Maritime Organization in this area and urges the international community, regional organizations and States in affected regions in particular to intensify their efforts to prevent and eradicate piracy and armed robbery at sea, with a renewed emphasis on inter-agency and inter-State cooperation.

During the first meeting last May of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, its focused approach on illegal, unreported and unregulated fisheries and the impact of marine pollution and degradation in coastal areas successfully drew the attention of all its participants. In this respect, my delegation welcomes the recommendation in paragraph 41 of draft resolution A/55/L.10, which suggests two agenda items for the second meeting of the Process next year, namely, marine science and the development and transfer of marine technology, and coordination and cooperation in combating piracy and armed robbery at sea.

With the inauguration of the Informal Consultative Process, the international community has another important forum to take stock of the status of ocean affairs and the law of the sea and to seek solutions in a concerted manner. My delegation hopes that the Process will effectively address the major challenges facing humankind in the field of the oceans and seas with the full participation and cooperation of States and international organizations.

My delegation considers inter-State cooperation to be indispensable for the secure and effective implementation of the Convention at the global and regional level. In this respect, we welcome the signing, in early August, of the new fisheries agreement between my country and the People's Republic of China. This agreement will help the conservation and rational management of fishing stocks in the seas between the two countries. It is also noteworthy that important negotiations on maritime boundary delimitation between my country and neighbouring States are now under way for the purpose of ensuring

the eventual legal stability of the seas of North-East Asia within the framework of the Convention.

In conclusion, I would like to stress the increasing importance of the 1982 Convention for all activities in the oceans and seas and for the coherent management of ocean affairs. I would also like to take this opportunity to reiterate the willingness of my Government to lend its unreserved support to all the endeavours by the international community to promote the uniform and consistent implementation of the Convention and to establish a peaceful and orderly maritime regime throughout the world in a spirit of understanding and cooperation.

Mr. Tupou (Tonga): I have the honour to make this statement on behalf of the countries of the Pacific Islands Forum that maintain Permanent Missions at the United Nations in New York: Australia, Fiji, the Marshall Islands, the Federated States of Micronesia, Nauru, New Zealand, Papua New Guinea, Samoa, Solomon Islands, Vanuatu and my own country, Tonga.

As the Pacific Group has stated on numerous occasions, the ocean is of immense importance to us. The ocean is our traditional provider, and its bounty continues to be the principal resource for the ongoing survival of many of our people. We are a diverse group of countries, separated by great distances. Despite this, we share a common bond: the Pacific Ocean. While many of the countries in our Group have small land masses, the countries of the Pacific Islands Forum are the custodians of a great expanse of the world's oceans, with our collective exclusive economic zones amounting to more than 30 million square kilometres. Our joint responsibility over this vast area unites us in a common purpose.

The Pacific Group has continued over the past year to demonstrate its commitment to the Convention and, more generally, to oceans and sea issues. Delegations within our Group have been active in almost every endeavour currently taking place on the United Nations agenda on oceans and the law of the sea, and in many instances have taken on active leadership roles.

Our delegations welcomed the initiative of the Secretary-General, in the context of the Millennium Summit, to encourage States to rededicate themselves to the multilateral treaty framework and thereby contribute to advancing the international rule of law by signing and ratifying treaties to which they were not already party. To assist States, the Secretary-General identified a list of 25 core treaties most central to the spirit and goals of the Charter of the United Nations. Many in our Group took this opportunity to enhance our support for this multilateral framework by signing and ratifying treaties at the Summit.

We feel, however, that it is necessary to signal our view that there was a serious omission from this list of core treaties: the Convention on the Law of the Sea and its implementing agreements. In our view, no treaty is more central to the spirit and goals of the Charter than the Convention, providing, as it does, a legal order for nearly three quarters of the earth's surface, and settling all issues relating to the law of the sea, including issues of peace and security, conservation and management of resources and the study and protection of the marine environment, in a balanced and integrated manner. We call on all States that have not done so to ratify and implement this key treaty in order to fulfil the goal of universal participation.

The members of the Pacific Group are sponsors of both draft resolutions to be adopted under today's agenda item, and we have participated actively in the informal consultations on both.

As we indicated in our statement last year, the Pacific Group considers the annual review by the General Assembly of developments in oceans and the law of the sea to be very important, as the General Assembly is the only body within the United Nations system that can bring together all the complex and interrelated aspects and activities. We thank the Secretary-General for his annual comprehensive report, which we continue to see as the key to the proper exercise of the General Assembly's responsibilities.

Our Group is most satisfied with the developments that have taken place over the past year to facilitate this review and enhance the General Assembly's ability to maintain an effective overview of this important subject matter. We refer, of course, to the newly established Open-ended Informal Consultative Process on Oceans and the Law of the Sea, also known as UNICPOLOS. We are pleased to see from the two draft resolutions that the output of this Consultative Process has been very useful to the General Assembly in the preparation of the draft resolutions, resulting in more substantive and focused drafts. We welcome these developments, while noting

that the draft resolutions remain very firmly within the framework of the Convention and its implementing agreements.

The past year has, as always, been a busy year for the institutions established under the Convention and the various competent organizations charged by the Convention with tasks and responsibilities. The Tenth Meeting of States Parties to the Convention took place in May under the presidency of Ambassador Peter Donigi of Papua New Guinea. The Pacific Group notes with satisfaction that, in addition to the most important administrative tasks assigned to it under the Convention, the Meeting of States Parties is increasingly having to deal with a range of other important issues relating to the Convention. As the report of the Tenth Meeting shows, the Meeting of States Parties has had considerable discussions on subjects such as a trust fund for providing assistance in proceedings before the Tribunal; financing the participation of members of the Commission on the Limits of the Continental Shelf from developing countries; providing technical assistance and training for developing States regarding the preparation of submissions to the Commission; and the 10-year time limit under article 4 of annex II to the Convention.

This last issue is of particular interest to a number of our Group, and we look forward to participating actively in further discussions on the issue at next year's Meeting of States Parties. In this regard, we also note the very useful open meeting of the Commission on the Limits of the Continental Shelf held earlier this year.

The International Seabed Authority has also had a very productive year. Our Group was very pleased that the Council of the Authority, under the presidency of Mr. Sakiusa Rabuka of Fiji, was able to finally conclude the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area — known informally as the "mining code" — after four years of negotiation. We think this is an important milestone in the Authority's endeavours, and urge the Authority to now proceed to issue contracts to the registered pioneer investors in accordance with the regulations, so that their activities in the area can be brought within the regime as envisaged by the Convention and the Part XI Agreement. We hope that the Secretary General of the Authority will be in a position to report to the next session of the Authority that these contracts have been concluded. Our delegations consider that the Regulations form a sound basis for governing prospecting and exploration activities in the Area and represent an appropriate balance between commercial sense and environmental caution. We particularly welcome the fact that in its decision adopting the Regulations the Council decided that prior to the testing phase, it would consider the matter of guarantees to enable the Council to take immediate measures to ensure effective protection of the marine environment, with a view to adopting an appropriate form of guarantee to meet this aim.

As already indicated, the Pacific Group very much welcomes the first meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, held in New York from 30 May to 2 June this year. We are gratified that one of our Group, Ambassador Tuiloma Neroni Slade of Samoa, was able to contribute to the Consultative Process in the capacity of Co-Chairperson, along with Mr. Alan Simcock of the United Kingdom. In our view, the Consultative Process got off to a very good start. The first meeting was notable for the quality and breadth of the discussions, both in the opening exchanges of views and specific discussion panels, and for the genuine willingness of participants to engage in the issues in a cross-cutting, non-sectoral manner. The areas of focus — "Responsible fisheries and illegal, unreported and unregulated fisheries: Moving from principles to implementation" and "Economic and social impacts of marine pollution and degradation, especially in coastal areas" — are very pertinent to our region. In addition to national delegations, our region was represented at the first meeting by a designated representative of the South Pacific Forum, Mr. Russell Howorth, of the South Pacific Applied Geoscience Commission. At the next session we hope to have more reinforcement from the region. In this regard, we welcome the establishment of the Trust Fund to assist developing countries with their attendance at the Consultative Process.

The problem of illegal, unreported and unregulated fishing is a very genuine and pressing concern for all of us. We therefore place considerable reliance on the efforts taking place in the Food and Agriculture Organization of the United Nations (FAO) to adopt a comprehensive international plan of action to prevent, deter and eliminate these unacceptable fishing activities, on the basis of a draft prepared at an expert meeting hosted in Sydney, Australia, earlier this

year. There is an urgent need for the FAO to adopt a comprehensive plan of action involving all relevant States, including flag States, port States and market States, to ensure that all States take action to see that their nationals and vessels flying their flags do not support or engage in illegal, unreported and unregulated fishing. Accordingly, we were very disappointed that the FAO technical consultations held from 2-6 October failed to finalize the plan of action. Clearly, another meeting will be needed if the FAO Committee on Fisheries is to be in a position to adopt the plan of action in February 2001. We urge all States to make the successful completion of the plan of action a priority.

We welcome the recent ratification of the United Nations Fish Stocks Agreement by Barbados and Luxembourg, and look forward to its imminent entry into force. The Agreement is a fundamental part of the international legal architecture for ensuring the conservation and management of marine living resources in accordance with the Convention. It is our firm view that any regional or subregional fisheries management organizations or arrangements established to ensure the long-term conservation of stocks on the high seas and straddling and highly migratory fish stocks must be established in accordance with the United Nations Fish Stocks Agreement. It is no longer acceptable to base new regimes for conservation and management on precedents from old fisheries management organizations, most of which predate the United Nations Conference on Environment and Development (UNCED), Agenda 21 and the United Nations Fish Stocks Agreement, let alone the 1982 Convention. The world has to move on.

In the case of the Pacific, six years of hard work has finally paid off, and the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific was adopted in Honolulu on 4 September this year. The Convention, concluded among States in the regions and fishing States, is firmly based on the United Nations Fish Stocks Agreement and is in full accordance with it. The Convention's importance cannot be overstated in terms of the contribution it will make to the maintenance of sustainable fisheries in the regions, an aim which is in the interests of both distant-water fishing nations and Forum island countries, which are all small island developing States relying substantially on this one resource for their livelihood. The Convention gives effect to the United Nations Fish Stocks Agreement and incorporates the principle upon which the Agreement is based, including the precautionary approach and the need to protect biodiversity.

The countries of the region and other interested States had a unique, one-off opportunity to conclude a regional management scheme before the stocks came under pressure and to ensure their long-term conservation and sustainability in accordance with the Convention and the United Nations Fish Stocks Agreement. We are happy to be able to report that this opportunity has been seized. Now we look forward to the timely ratification and entry into force of our Convention.

Mr. Seki (Japan): At the outset, I wish to express my Government's sincere condolences to the family of Mr. Lihai Zhao, a member of the International Tribunal for the Law of the Sea, who passed away 10 October. My condolences go also to the people and Government of the People's Republic of China. We will long remember Mr. Zhao's important contributions to the work of the Tribunal.

Surrounded by the sea, Japan has a profound interest in the sustainable use and development of the multitude of benefits and possibilities that the sea has to offer, and thus attaches great importance to the United Nations Convention on the Law of the Sea.

Today we note with satisfaction that 135 States have now become parties to the Convention and 99 States to the Agreement Relating to the Implementation of Part XI of the Convention. The legitimacy of the Convention cannot but increase with the addition of new States parties, and my delegation appeals to States that have not yet done so to become parties to the Convention, as well as to the Agreement.

In order to ensure the effective implementation of the Convention, it is necessary to maintain the Convention's unified character. To that end, my delegation would like to emphasize the importance of harmonizing the national legislation of States parties with the provisions of the Convention and to express the hope that any declaration or statement that is not in conformity with the Convention will be withdrawn.

The United Nations is an important focal point of efforts in the complex field of oceans and the law of the sea, and we highly value the Secretary-General's

report on the activities in this vast area. We also would like to thank the countries that coordinated the draft resolutions — Guyana, New Zealand and the United States of America.

The draft omnibus resolution A/55/L.10, of which my Government is a sponsor, addresses the entire range of activities covered under the Convention. Allow me to touch upon some aspects which we believe to be important. First, we welcome the results of the first meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, sometimes referred to as UNICPOLOS, which was organized under the able Co-Chairmanship of Ambassador Slade of Samoa and Mr. Simcock of the United Kingdom. The fact that many of the elements coming out of this meeting have been incorporated into the draft omnibus resolution demonstrates the usefulness of the Process, and we look forward to constructive discussions at its next meeting.

Asian waters, particularly those of the South China Sea and the Strait of Malacca, have been affected severely by piracy and armed robbery at sea. As a matter of fact, the number of incidents is increasing and they are becoming more violent. Appropriate international cooperation is needed to combat such crimes, and so we are pleased that the draft resolution reflects this issue as one of the priority areas to be addressed at the next meeting of the informal consultative process.

Japan, for its part, has been taking initiatives to combat crimes at sea. In March of this year, it hosted the International Conference on All Maritime Related Concerns, Both Governmental and Private, on Combating Piracy and Armed Robbery against Ships, which produced the Tokyo Appeal. Government authorities from 14 Asian countries and from Hong Kong in China, as well as representatives of the International Maritime Organization (IMO) and other private and non-governmental entities, participated in that Conference. In April, Japan hosted the Regional Conference on Combating Piracy and Armed Robbery Against Ships with the participation of the heads of coast guard agencies from the countries of the Association of South-East Asian Nations (ASEAN), China, Hong Kong in China, India, the Republic of Korea and Japan. In the final document, entitled "Asia Anti-Piracy Challenges 2000," participating authorities expressed their intention to promote cooperation in dealing with the problem of piracy. Japan has also been sending missions to countries in the region to promote cooperation and coordination in this area.

Allow me to touch upon the international organizations established under the Convention. In relation to the activities of the Commission on the Limits of the Continental Shelf, my delegation would like to note that the deadline for the submission of data and information for the purpose of establishing the outer limits of continental shelves beyond 200 nautical miles is fast approaching for those States parties for whom the Convention entered into force on 16 November 1994. In view of the importance of ensuring that every State party intending to submit data and information is in a position to do so by the deadline established for it in accordance with the relevant provisions of the Convention, we support the establishment of a voluntary trust fund to assist developing States in the preparation of their submissions to the Commission, as proposed in the draft omnibus resolution. We would like to thank the Norwegian delegation for its initiative in proposing the idea to establish this important trust fund. We would also like to stress the importance of bilateral cooperation to cover the data acquisition phase of the preparation of submissions. My country has already been extending such cooperation to a number of countries.

My Government attaches great importance to the peaceful settlement of disputes concerning the law of the sea through the procedures set out in the Convention, including the International Tribunal for the Law of the Sea when appropriate. From this point of view, we support the idea of establishing a voluntary trust fund for the purpose of assisting countries in the settlement of disputes through the Tribunal, and wish to thank the European Union, and particularly the United Kingdom, for taking the initiative in this regard.

Japan was re-elected as a member of the Council of the International Seabed Authority in July of this year and is grateful to all members of the Authority for their support. We are firmly committed to the attainment of the goals of the Authority, which has moved into the next stage of its work with the adoption, in July this year, of the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area. At the same time, Japan urges States to pay their outstanding assessed contributions without further delay in order to solve the financial difficulties that the Authority and the Tribunal are facing.

When adopted, the draft omnibus resolution before us will establish four trust funds, some of which I have already touched upon. Allow me to emphasize the importance my Government will attach to transparency in the activities of those funds. We expect the details of the contributions made to the funds, as well as the disbursements from them, to be included in the funds' annual reports, and therefore welcome the inclusion of provisions to that effect in the terms of references attached to the draft resolution.

Before I conclude, let me touch briefly upon the matter of fisheries and related issues. With the global population surpassing six billion, conservation and management, as well as the sustainable use of living marine resources, are more important than ever for the subsistence of the human race. Excess fishing capacity, illegal, unreported and unregulated fishing, by-catches, discards and other outstanding issues have been a focus of discussion for some time. We welcome the efforts that are being made in the area of conservation and management of living marine resources at the national, regional and subregional levels, as well as by the United Nations system, especially the Food and Agriculture Organization of the United Nations (FAO). Japan has been constructively addressing outstanding issues, both as a responsible fishing country and as a major consumer of fisheries products.

Japan believes it is extremely important to build the capacities of developing countries in the area of fisheries in order to achieve the optimal conservation and rational use of fisheries resources. In 1998 Japan extended approximately $90 million in grant aid toward that end. In addition, we have been providing technical cooperation and making contributions through trust funds to appropriate international and regional organizations in order to facilitate that objective. We hope that other countries, as well as international and regional organizations, will also join in and reinforce such efforts, taking into account the various developments related to fisheries management in the FAO.

The Acting President: We have heard the last speaker in the debate on this item for this meeting. We shall hear the remaining speakers tomorrow, Friday, 27 October, at 3 p.m. The first three speakers at that meeting will be Brazil, Jamaica and Australia.

The meeting rose at 6.10 p.m.

United Nations A/55/PV.43

General Assembly

Fifty-fifth session

Official Records

43rd plenary meeting
Friday, 27 October 2000, 3 p.m.
New York

President: Mr. Holkeri ..... (Finland)

The meeting was called to order at 3 p.m.

Agenda item 34 *(continued)*

Oceans and the law of the sea

Reports of the Secretary-General (A/55/61, A/55/386)

Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its first meeting (A/55/274)

Draft resolutions (A/55/L.10 and Corr.1 and A/55/L.11)

Mr. Moura (Brazil): The entry into force of the United Nations Convention on the Law of the Sea (UNCLOS) was a landmark in our recognition of the need to act collectively. However, six years later, despite the Convention and the international legal framework that it gave rise to, the implementation and effective regulation of these arrangements remain unfulfilled. This state of affairs has to do with the complex legal, economic and environmental issues involved in the governance of the oceans as developing and developed countries seek to cooperate in the management of a vast array of interconnected ecosystems that have no clear boundaries.

Over the past decade, growing concerns over how best to manage activities that can affect the availability of marine resources, navigation, land-based pollution, coastal degradation and climate change have brought to the fore three major issues.

The first major issue includes, inter alia, the need to promote marine scientific research on issues at the centre of our concerns, such as the evaluation of fish stocks and of non-living marine resources and the development of clean technology for exploiting them in a sustainable manner.

For developing countries such as Brazil, effective international cooperation in the field of marine science offers an important potential source of technology transfer and helps ensure the open circulation of information in areas of great strategic and economic importance. In fact, sustainable and environmentally safe growth in developing countries is directly linked to the worldwide diffusion of technical knowledge and the transfer of appropriate technology. We therefore welcome the focus of the forthcoming meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea on the links between development and technology. By improving international efforts in this field, especially as regards capacity-building, we hope to see effective progress in implementing Parts XIII and XIV of UNCLOS.

The second major issue is the lack of financial resources to fulfil these goals in the fields of scientific research and technology transfer. If safe and efficient technology is to be effectively disseminated, we must enhance programmes that offer not only technical assistance, but also financial support, at both the

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

00-71324 (E)

bilateral and multilateral levels. We are therefore pleased that both the Consultative Process and the draft resolution we shall be adopting make reference to the crucial role reserved for international financial institutions and for partnerships with the private sector.

The decision to set up trust funds is also welcome. The resources that will be made available for developing countries to take part in next year's Consultative Process will enhance its effectiveness by allowing a broader range of delegations and opinions to be represented. By the same token, these resources will considerably alleviate the financial burdens on developing countries of preparing their submissions to the Commission on the Limits of the Continental Shelf and to the International Tribunal for the Law of the Sea.

The third major issue is the need for an integrated and internationally coordinated approach. Underlying many of the barriers to implementing the provisions of UNCLOS is the difficulty in coordinating the actions of Governments, international agencies and civil society. We look forward to the Consultative Process as an opportunity for an open discussion of how best to enhance inter-agency coordination and to strengthen the structures within the United Nations system.

My delegation was pleased with the outcome of last May's first meeting of the Consultative Process. It offered valuable information and insights that I am certain will help us to identify ways of better coordinating action in two key areas: marine pollution and fisheries management.

As concerns marine environment protection, the discussions pointed to the importance of putting into practice the Global Plan of Action. I am pleased to say that, together with Argentina and Uruguay, Brazil is developing a regional-seas programme that provides for coordinated action in our region within the wider global framework. This is a practical example of how we can revitalize the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, a tool that offers modern and flexible formulas for cooperation by bringing together the relevant organizations and sectors in the integrated management of marine affairs.

The discussion on fisheries management underscored, likewise, the positive role regional arrangements can have in controlling predatory fishing and other ecologically unsustainable practices. Yet it was also noted that, together with creating new mechanisms and forums, we must ensure that the available international regulatory instruments are fully complied with and improved. We therefore look forward to seeing progress in the implementation of the agreements on straddling fish stocks and highly migratory fish stocks, the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations and the International Plan of Action on the Management of Fishing Capacity.

The Consultative Process was not, however, the only positive development over the last year in ocean affairs. We welcome the adoption last July by the Assembly of the International Seabed Authority of the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area. This opens the way for the rational and sustainable exploitation of these shared resources.

The recent inauguration of the headquarters of the International Tribunal for the Law of the Sea in Hamburg will ensure that it will be fully able to discharge its important role in the peaceful settlement of disputes.

Finally, the open meeting last May of the Commission on the Limits of the Continental Shelf contributed to enhancing general awareness of the assistance the Commission can offer to States in preparing their submissions.

As a result of the Consultative Process, of which Brazil was a sponsor, we believe that our debate today has been enriched and better focused. We therefore look forward to the ongoing discussion at all levels on how to ensure the sustainable management of our vast but ever more finite marine resources.

Miss Durrant (Jamaica): I have the honour to speak on agenda item 34, "Oceans and the law of the sea," on behalf of the 14 member States of the Caribbean Community (CARICOM) that are members of the United Nations. We associate ourselves with the statement made earlier by the Permanent Representative of Samoa on behalf of the Alliance of Small Island States.

Nearly 18 years ago, on 10 December 1982, the United Nations Convention on the Law of the Sea was opened for signature in Montego Bay, Jamaica, after 14 years of work involving more than 150 countries. The

adoption of the Montego Bay Convention was a signal achievement. It represented the recognition by the international community of the central importance of oceans and seas to the productive existence of the world's peoples and to the well-being of future generations. It expressed the commitment of the community of nations to more effective management and protection of the resources and services of the world's oceans and seas, and it ensured attention to equity and justice in the exploitation of the shared patrimony by present and succeeding generations.

CARICOM States take this opportunity to underscore the importance that they attach to the Montego Bay Convention as the comprehensive legal framework for governance of the oceans and as the seminal work in which all instruments and organs addressing ocean affairs must be grounded. Indeed, the drafters of the Convention saw the need to create three institutions to ensure the proper implementation of the Convention: the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf. For us it is extremely important that the integrity of the Convention and the institutions created by it are maintained.

CARICOM States have over the years participated actively in the annual consideration and review of developments relating to ocean affairs and the law of the sea by the General Assembly as the global institution having the competence to undertake such a review. We see the Open-ended Informal Consultative Process on Oceans and the Law of the Sea, established by resolution 54/33, as a mechanism to support the annual review by improving coordination and cooperation, while respecting the competence of the institutions of the Convention. We therefore welcome the fact that the second meeting of the Consultative Process will focus on marine science and the development and transfer of marine technology.

We wish, through you, Mr. President, to thank the Division of Ocean Affairs and the Law of the Sea for the valuable work done to coordinate and disseminate information in this area. We continue to stress the importance of training in all matters related to oceans and the law of the sea, specifically for developing States. The benefit of the Division's TRAIN-SEA-COAST programme, which is supported by the United Nations Development Programme, is worthy of mention. We encourage the Division to expand this programme to other countries.

We also wish to thank the many States that have contributed to the Hamilton Shirley Amerasinghe Memorial Fellowship Programme on the Law of the Sea, which is intended to promote a wider appreciation of the Convention and to enhance specialized experience in ocean law, maritime affairs and related disciplines. We urge States and others in a position to do so to assist in the expansion of this valuable programme in order to respond to the high number of applications received from deserving candidates. We are pleased that a national of a CARICOM State — Barbados — was a recipient of last year's fellowship.

CARICOM States welcome the report of the Secretary-General contained in document A/55/61, which addresses, in detail, the developments towards implementation of the Convention and the 1994 Agreement, and which reports on the work undertaken during the past year by the institutions created under the Convention.

The International Seabed Authority has been charged, under part XI of the Convention, with organizing and controlling the exploration and exploitation of the non-living resources of the seabed and ocean floor and subsoil beyond the limits of national jurisdiction. This body is unique, since it will not only oversee the activities in the Area by contractors, but will also engage in exploration and exploitation of the area through its enterprise. It is through the Authority that States parties to the Convention will ensure that the oceans and seas beyond the limits of national jurisdiction remain the common heritage of mankind.

We therefore welcome the achievements of the International Seabed Authority during its sixth session, held in March and July of this year. We are extremely pleased that the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area were adopted by the Council and the Assembly in July. We consider this a significant step in the work of the Authority, as the way has now been paved for the Authority to enter into contracts with the registered pioneer investors for the exploration of the Area. We note that draft contracts have already been forwarded to the pioneer investors and the Authority is awaiting the information required under the regulations, including the five-year programme of work, to be

provided by the pioneer investors. We urge a prompt response from the investors and the expeditious execution of the contracts. We also welcome the adoption of the rules of procedure of the Legal and Technical Commission of the Authority.

Let me take this opportunity, on behalf of CARICOM, to congratulate Mr. Satya Nandan on his re-election as Secretary-General of the Authority. We offer him our continued assistance and full cooperation. CARICOM States attach great importance to the Authority and its organs, and we are pleased that three CARICOM States are now represented on the Council: Guyana, Trinidad and Tobago and Jamaica.

There is still much work to be done by the Authority. Indeed, it should be recalled that at the resumed fourth session of the Authority, held in 1998, the Russian Federation referred to evidence of polymetallic sulphides and cobalt-bearing crusts in the Area and requested that the Authority begin drafting regulations for the prospecting and exploration of these minerals. Members will be aware that once such a request is made, the regulations should be completed within three years of the request. The Authority will therefore have to work assiduously to ensure that these regulations are drafted and concluded by the end of 2001. The Authority will also have to adopt the environmental guidelines which are referred to in regulation 32 of the recently adopted Regulations and which are currently being reviewed by the Legal and Technical Commission.

We therefore wish to emphasize the need for States parties to the Convention to attend and participate in the meetings of the Authority to ensure the successful completion of its work. We are very concerned that, because of the financial constraints faced by many States, developing country participation in the fundamental work being undertaken by the Authority has been severely constrained. The importance of effective developing country participation, if we are to ensure equity in the benefits to be derived from the exploitation of this common heritage of mankind, cannot be overemphasized.

Over the past years the Authority has organized workshops on the non-living resources of the seabed and the environmental effects of seabed mining. Some of these workshops have been held in conjunction with meetings of the Authority in an effort to encourage wide participation and to disseminate information for the benefit of all States. Unfortunately, as I stated earlier, developing country participation at the meetings of the Authority, and thus at the workshops, has been limited by financial constraints. We would therefore give very strong support for the Authority's consideration of the establishment of a voluntary trust fund to facilitate developing country participation in these meetings and workshops and to contribute to the building-up of knowledge and expertise of the developing countries.

CARICOM States welcome the continued development of the jurisprudence of the International Tribunal for the Law of the Sea. The Tribunal is fundamental in settling disputes regarding the interpretation and application of the Convention. It is unique in that it has special competence to hear applications for the prompt release of vessels and crews and to deal with requests for provisional measures. The Tribunal is integral to the realization by States of the common heritage, since it is the only body, through its Seabed Disputes Chamber, to which disputes relating to the Area may be submitted. We are therefore pleased to note that States are recognizing the jurisdiction of the Tribunal and have submitted their disputes to this body.

At this time CARICOM States wish to express our condolences to the Tribunal and to the Government and people of China on the loss of Judge Lihai Zhao in October of this year. We recognize the invaluable contribution to the Tribunal and to international law which he made — in particular, to the law of the sea.

CARICOM States welcome progress made by the Commission on the Limits of the Continental Shelf in assisting States parties in preparing submissions in respect of the outer limits of the extended continental shelf. We underscore the need for training in the preparation of submissions for developing States with limited technical capacity. We are therefore pleased that the Commission has adopted the outline for the first such training programme, and we look forward to its implementation.

We share the concerns of other Member States regarding the ability of developing countries, in particular, to comply with the 10-year time limit for submissions to the Commission, established under article 4 of annex II to the Convention. CARICOM States would be willing to participate in any discussion

relating to the constraints of the time limits imposed by the Convention.

CARICOM States also note with appreciation the Secretary-General's report on progress in the protection and preservation of the marine environment. The Convention recognizes the importance of protecting and preserving the marine environment and, in part XII, stipulates a range of measures through which States may achieve this objective. As small island and coastal States, CARICOM States are heavily dependent on, and influenced by, the coastal and marine environment. Issues related to integrated ocean and coastal zone management are inextricably linked to the broader objective of sustainable development, especially as regards the challenge of ensuring the well-being of the population, particularly coastal communities and industries, while promoting healthy, viable and productive coastal and marine space.

Our States are particularly exposed to the influence of natural phenomena, which play a principal role in the deterioration of coastal and marine environments. The devastating effect of such events as floods, hurricanes, climate change and sea-level rise on small island and coastal States must be emphasized. Our vulnerability to these natural hazards has compounded the challenge which our Governments face in achieving sustainable development through effective ocean and coastal zone management.

CARICOM States are therefore concerned with the protection of our regional marine space — the wider Caribbean Sea. The need for an effective regional regulatory mechanism for sustainable fisheries and the need to ensure adequate protection of our fragile marine ecosystems from harmful effects such as oil spills and pollution from hazardous and nuclear waste are matters to which our States continue to attach high priority.

CARICOM is now seeking to put in place a comprehensive, multidimensional regime for the management and protection of the resources of the Caribbean Sea. To this end, CARICOM will be introducing a draft resolution in the Second Committee, and we look forward to receiving the full support of all Member States.

We also note the progress made in the development and management of marine resources, particularly fisheries, as stated in the report of the Secretary-General. We continue to collaborate in fisheries management and development through the CARICOM Fisheries Resource Assessment and Management Programme (CFRAMP), and we wish to take this opportunity to express our appreciation to the Government of Canada for its continued support for the programme, from which our region benefits significantly.

Fisheries management, particularly monitoring and information systems, have improved under CFRAMP. However, further development of capacity for more effective management of the information required under the United Nations Fish Stocks Agreement and the Food and Agriculture Organization of the United Nations (FAO) Compliance Agreement is needed. We look forward to progress in meeting this challenge in the future.

Global overfishing and overcapacity should not be used to justify management measures and capacity reduction inappropriate for small developing countries. Although this is the purview of the FAO, the Convention on the Law of the Sea provides the framework for all aspects governing the oceans and the seas. The United Nations should therefore play an integral role in ensuring that developing countries are afforded equal opportunity in the global management and sustainable development of marine living resources.

Of critical importance is the need for new approaches to marine science, technology and management which take into account the needs and concerns of developing countries, including small island developing States. Marine scientific research and technology must take appropriate scale and context into account. CARICOM States underscore the importance of the transfer of marine science and technology, and we stress the need for these issues to be addressed in a meaningful way by the United Nations system and the international community as a whole.

Another challenge faced by CARICOM States continues to be the cost of effective participation in the regional and international forums at which issues relating to oceans and the law of the sea are addressed. Representation at meetings is still inadequate, and this is reflected in the limited benefits which accrue to our member States.

In conclusion, CARICOM again emphasizes the importance of the oceans and seas, particularly for us

as small island and coastal States. The Montego Bay Convention has been widely accepted, and even those States that are not parties acknowledge that it is the overall legal framework governing all aspects of ocean space. We wish to encourage those States which have not yet done so to become parties to the Convention and its related Agreements as soon as possible.

Ms. Steains (Australia): Australia wishes at the outset to associate itself fully with the statement made yesterday by the Permanent Representative of Tonga on behalf of the countries of the Pacific Islands Forum. The members of the Pacific Islands Forum share a number of important common interests, not least in respect of the conservation, management and sustainable development of the marine living resources of the Pacific Ocean and other issues relating to the oceans and seas more generally. Australia attaches importance to its members of the Pacific Islands Forum and is pleased that the Forum's close cooperation in the vital area of the oceans and the seas has been evident once again in this past year.

Australia once again underlines the critical importance of the 1982 United Nations Convention on the Law of the Sea and the pivotal role it has played in the development of maritime space regulation since its entry into force in 1994. The Convention and the institutions created by it form the very foundations upon which Australia approaches maritime space.

The International Tribunal for the Law of the Sea plays a crucial role in maintaining the integrity of the Convention as a whole. We congratulate the Tribunal on the expeditious delivery of its orders and judgements in the five cases it has already heard and on the conclusion of the agreement with its host country, Germany, that has enabled it to move into its splendid new premises. Australia hopes to ratify the Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea by the end of this year or early in the new year. Australia also welcomes the establishment of a trust fund, set out in draft resolution A/55/L.10, to increase access to the Tribunal for developing countries. We regard this as a vital step in enhancing the Tribunal's central role in the area of dispute resolution.

The International Seabed Authority achieved a milestone in July this year with its adoption of the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area. Australia is pleased with this outcome and will continue to discharge with diligence its duties as a member of the Council of the Authority. We also wish to congratulate Ambassador Satya Nandan on his unanimous re-election as Secretary-General of the Authority.

Australia welcomes the dialogue initiated with States parties by the Commission on the Limits of the Continental Shelf, through its first open meeting held earlier this year. Such initiatives are clearly beneficial both to the Commission and to the States intending to make submissions on the outer limits of their extended continental shelves, in accordance with article 76 of the Convention, and we thank the Commission for its conscientious and focused work in this regard.

Australia continues to value this annual review by the General Assembly of developments in oceans and the law of the sea, and we thank the Secretary-General for his comprehensive report.

Last year Australia co-sponsored resolution 54/33, which established the United Nations Informal Consultative Process on Oceans and the Law of the Sea, and was pleased to participate in May this year in the first meeting of this Process. Improved coordination and cooperation between the relevant United Nations agencies with competence in oceans and law of the sea issues, and between such agencies and member States, is crucial to the integrated management of the world's oceans. The first meeting of the Informal Consultative Process, which focused on illegal, unreported and unregulated fishing and on marine pollution, demonstrated the usefulness of this initiative, as is evident in the two draft resolutions before us today. Australia looks forward to strengthening the Informal Consultative Process, and encourages all States to participate fully in this forum.

Let me now turn to an area of particular concern to Australia: fisheries. Australia believes that becoming a party to the Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and becoming a party to the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas are the two most useful legal steps that States interested in fisheries can take to ensure the sustainability of the resource. The United Nations Fish Stocks Agreement in particular is a significant

achievement, establishing as it does a progressive and comprehensive framework to better conserve and manage the world's major fisheries, many of which are under threat. It is therefore unfortunate that some States appear less than committed to it. Australia calls on all States that have not already done so to take the necessary steps to become parties to the Agreement. Australia itself has done so and is working through its internal procedures towards acceptance of the Compliance Agreement of the United Nations Food and Agriculture Organization (FAO). We sincerely hope that when we next meet on this topic both Agreements will have entered into force generally.

Illegal, unreported and unregulated fishing continues to represent a serious threat to the world's marine ecosystems. It has the potential to undermine the efforts of regional fisheries management organizations and is a major obstacle to achievement of the objective, contained both in the Convention and in the United Nations Fish Stocks Agreement, of conservation and sustainable management of marine living resources. Unfortunately, such fishing occurs in virtually all fisheries. It is now clear that concerted international action is urgently needed to address and, in time, to eliminate this practice. Indeed, Australia considers the inclusion of a number of important references to illegal, unreported and unregulated fishing in this year's draft resolution on fisheries to be one of the many positive and significant aspects of the draft resolution.

Australia welcomes the work being undertaken under the aegis of FAO to develop a comprehensive international plan of action to prevent, deter and eliminate illegal, unreported and unregulated fishing. Australia has supported these efforts from the outset, and was pleased to host, in cooperation with the FAO, a consultation of experts, drawn from a wide range of States, on the subject of such fishing. It took place in Sydney in May this year. We believe that this meeting proved a useful preparation for the FAO consultation held in Rome from 2 to 6 October.

Australia was disappointed that the consultation in Rome was unable to finalize a draft international plan of action. Australia urges all Member States to cooperate, as a matter of priority, in the adoption of a comprehensive international plan of action that contains a broad range of actions to deter, prevent and eliminate illegal, unreported and unregulated fishing. Specifically, this must include not only an emphasis on strengthening the exercise of flag State jurisdiction, but also port State controls, coastal State controls, market State controls and controls on nationals. Australia has utilized all of these controls on a domestic basis, but these actions must be translated into multilateral action in order to be truly effective.

On this point, Australia wishes to note an important and innovative multilateral initiative to prevent illegal, unreported and unregulated fishing — the adoption by the Commission for the Conservation of Antarctic Marine Living Resources late last year of a trade documentation scheme for toothfish, a species on the brink of commercial extinction. This scheme, a multilateral trade measure that is consistent with the World Trade Organization Agreement, has shown early signs of success in reducing the economic incentives for illegal fishing in the southern oceans. Australia believes that it also provides a useful model for broader international action on illegal, unreported and unregulated fishing.

It is a source of regret to Australia that, for the first time ever in the history of the General Assembly's consideration of this agenda item, a vote will be requested on the draft resolution on fisheries. The importance to humankind as a whole of the conservation, management and sustainable development of the world's living marine resources — an issue of particular importance to developing coastal and small island States, for which the ocean's resources are the principal source for their ongoing survival — has been recognized over the years by the draft resolution's traditional adoption by consensus. To break with this tradition is a regrettable action that risks undermining the positive and constructive developments that have taken place over the years, through the dedication and cooperation of all interested delegations, both developing and developed alike.

In this regard, Australia wishes to clarify some misunderstandings that appear to have arisen in respect of the preambular paragraph concerning one of the regional fisheries management agreements concluded earlier this year. Indeed, we wish to note in this context that, although the United Nations Fish Stocks Agreement has regrettably not yet entered into force, it has already had a positive impact. Australia is pleased to have been a participant in the negotiation of the first regional fisheries management agreement to be negotiated under the framework of the United Nations Fish Stocks Agreement.

The Convention for the Conservation of Highly Migratory Fish Stocks in the Western and Central Pacific, which was adopted at Honolulu in September this year, establishes a framework for the conservation and management of the world's last great tuna fishery that had not been subject to regional management. That Convention provides a model for cooperation to ensure that these resources are sustainably conserved and managed for the benefit of present and future generations. However, it will require the participation in the Convention of all those with major interests in the region if we are to achieve that result. Both the Central and Western Pacific Fisheries Convention and the Preparatory Commission remain open to those States that at the last moment chose not to support final agreement, and Australia urges those States to join with others in the Pacific region in working together to achieve our common objectives.

All of the participants in the process — which included coastal States located in the Western and Central Pacific, and States fishing for the relevant stocks in the region — agreed in the Majuro Declaration of June 1997 that the Agreement for the implementation of the provisions of United Nations Convention on the Law of the Sea relating to the conservation and management of straddling fish stocks and highly migratory fish stocks was the foundation of the process. Indeed, the participants declared their commitment to establish a mechanism for the conservation of highly migratory fish stocks in the region in accordance with the Convention and the United Nations fish stocks Agreement. Further, the Central and Western Pacific Fisheries Convention, in its article 2, provides that

> "The objective of this Convention is to ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the Western and Central Pacific Ocean in accordance with the 1982 Convention and the Agreement".

But the clinching argument is the savings clause of article 4, which provides that

> "Nothing in this Convention shall prejudice the rights, jurisdiction and duties of States under the 1982 Convention and the Agreement. This Convention shall be interpreted and applied in the context of and in a manner consistent with the 1982 Convention and the Agreement."

Thus, even if by some chance a particular provision standing alone could be interpreted in a way that rendered it inconsistent with the United Nations fish stocks Agreement, that savings clause would ensure that such an interpretation was eschewed in favour of one that maintained its compatibility with the Convention and the fish stocks Agreement.

So, quite apart from the incongruity of States that have not ratified the United Nations fish stocks Agreement posing as its defenders vis-à-vis others that have, particularly when we are in agreement on the fundamental principles that are at stake, the basis on which they do so is, I regret to say, misconceived.

No multilaterally negotiated text is ever completely satisfactory to all parties to its development, and that is equally true of both the current draft resolution on fisheries (A/55/L.11) and the Central and Western Pacific Fisheries Convention. But that is the very essence of compromise, and both documents are the product of just that. It is too easy to withhold support because this or that aspect is not entirely as we would wish it; Australia too could do so. But if we all fell into such an all-or-nothing mentality, this Organization would achieve far less than it currently manages to achieve. In that context, we recall that towards the very end of the recent informal consultations on the draft resolution on fisheries, the participants in the negotiations were extremely close to consensus agreement, with only one delegation standing outside that consensus. We therefore appeal to the State intending to abstain in the vote not to turn its back on the draft resolution. That is no solution to the problems faced by world fisheries today and would do nothing to promote the cooperative spirit, on the part of all, that is required to resolve them. As one of its sponsors, Australia urges all Member States to underline their commitment to cooperation by supporting the draft resolution when the Assembly takes action upon it.

Mr. Yel'chenko (Ukraine): My country has always demonstrated its firm commitment to the norms and principles of the 1982 United Nations Convention on the Law of the Sea. By ratifying the Convention last year, Ukraine strengthened its involvement in the strategic legal framework governing activities in the oceans and seas. In spite of the fact that it only recently became a party to the Convention, Ukraine has been effectively implementing it for many years and has accumulated substantial experience in this field. We

have already emphasized on previous occasions the point that the General Assembly is the global institution which has the competence to review ocean affairs in a coordinated manner, integrating all aspects of ocean use: political, legal, economic, social, environmental and technical. No other institution is in a position to have an overview of the holistic nature of ocean-related matters, which must be considered in a holistic manner. We consider the annual discussion of the present item in plenary meetings of the General Assembly to be extremely important.

Ukraine strongly believes that the role of such a powerful legal instrument as the Convention in managing ocean affairs should be further promoted and strengthened. We support all efforts aimed at exploring avenues that could contribute to the strict implementation of its provisions. The United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea appears to be a very timely and potentially useful arrangement in that regard. Ukraine welcomes the establishment of the Consultative Process. We also welcome the discussion on marine science and piracy that is to take place next year during the Consultative Process. We share the views expressed by Rear Admiral James S. Carmichael, the representative of the United States, who emphasized yesterday the importance of the coupled ocean-atmosphere system and the sharing of data and information resulting from scientific research on the marine environment. Ukraine is also involved in the Global Ocean Observing System, partly through the Intergovernmental Oceanographic Commission of the United Nations Educational, Cultural and Scientific Organization, and partly through other channels.

I would like to stress that the debate by States and international organizations in that informal forum on a number of issues relating to the implementation of the United Nations Convention on the Law of the Sea and other international legal instruments related to the law of the sea is a useful continuation of the discussions that take place within the framework of the plenary meetings of the General Assembly. At the same time, I want to emphasize that the Consultative Process should be more structured, and that it should be aimed at achieving practical results.

Ukraine fully shares the concern expressed by the Secretary-General in paragraph 120 of his report on oceans and the law of the sea (A/55/61) that over-exploitation of marine living resources through excess fishing capacity continues to be of grave concern to the international community. We place special emphasis also on the problem of the prevalence of illegal, unregulated or unreported fisheries. Such activities are in fact not only detrimental to fish stocks as such, but also seriously affect the management of marine living resources by coastal States.

As a country suffering from the depletion of the fish stocks of its exclusive economic zone, Ukraine is extremely interested in addressing that problem. In most cases, it is non-compliance with the regime of the exclusive economic zone that stands as a major contributing factor to the problem. The United Nations Convention on the Law of the Sea clearly outlined the sovereign rights of coastal States for the purpose of exploring, exploiting, conserving and managing living natural resources. It is the coastal State that determines the allowable catch of living resources in its exclusive economic zone and decides whether to give foreign fishing vessels access to the surplus of the allowable catch. Other States and their nationals fishing in exclusive economic zones are obliged to comply with conservation measures and with the laws and regulations of the coastal State in question. Any non-compliance with this established legal regime on the part of foreign fishers not only circumvents the relevant principles and norms of the Convention but also constitutes a violation of national law and therefore entails responsibility under that law. Ukraine wishes to stress that the coastal State is entitled to use all means provided for under international law, and the Convention in particular, including enforcement measures such as boarding, inspection, arrest and judicial proceedings, to deter and penalize such illegal activities.

The increased incidence of illegal practices in exclusive economic zones makes obvious the urgent need for better cooperation between interested States to prevent illegal, unregulated and unreported fisheries. As a country with responsible fishery traditions, Ukraine is particularly interested in developing cooperation with the regional fisheries organizations. At the same time, it is worth mentioning that many developing countries and countries with economics in transition wishing to cooperate with regional closed-membership groups quite often face difficulties in meeting the too stringent requirements of such organizations. Such isolation from the regional legal

regimes may have undesirable and detrimental consequences.

On the other hand, the restrictive character of collective measures taken within the framework of regional fisheries organizations means that they do not always fully correspond to the real needs of the rational exploitation and conservation of marine living resources. Those measures are sometimes implicitly aimed at meeting the interests of a limited group of countries, while the interests of other countries, in particular those of distant fishery States, suffer from economic dislocation.

I call upon the regional fisheries organizations to enhance their cooperation with more States, in particular distant water-fishing States and geographically disadvantaged States, in adopting and implementing measures aimed at the rational exploitation, management and conservation of marine living resources.

My delegation considers the results of the Tenth Meeting of States Parties, held in New York in May, to be very positive. We support, in particular, the recommendations of that meeting to the General Assembly, which are included in the draft resolution under discussion. We welcome the recommendation in the draft resolution to establish the four voluntary trust funds. I take great pleasure in congratulating Norway on its decision to make an initial contribution of $1 million, subject to parliamentary approval, to the trust fund for the purpose of facilitating the preparation of submissions to the Commission on the Limits of the Continental Shelf by developing States, in particular the least developed countries and small island developing States.

Unfortunately, as with many countries with economies in transition, Ukraine will probably not be able to make any substantial contributions to the fund. However, I am about to suggest to my capital that we study the feasibility of sharing with developing countries, especially small island developing States, the information databases and charts which Ukrainian ships have collected over the years in the world's oceans. In the 1970s and 1980s probably the greatest proportion of the oceanographic and marine scientific research vessels of the former Union of Soviet Socialist Republics was operated under the auspices of the Academy of Sciences of Ukraine.

I should also like to add that at one time, 36 oceanographic vessels sailed to the Southern Ocean, the Atlantic Ocean, and, in particular, the Indian Ocean, from Ukraine's Black Sea ports. These vessels conducted research in all fields of marine science. Those which remain in operation — although many fewer than the original 36 — could be made available through bilateral arrangements with interested States to conduct exploratory work on the extended continental shelf in these and other areas.

We also welcome the inclusion of the new item on the agenda for discussion at the next Meeting of States Parties regarding the implementation of Convention provisions. But we cannot support the changes suggested in the rules of procedure of the Meeting of States Parties that envisage special privileges for the great Powers in taking decisions on financial issues. This would amount to weighted voting, which is contrary to the notion of the sovereign equality of States enshrined in the Charter of the United Nations. At the same time, the idea of establishing a financial committee of the Meeting of States Parties and the respective changes in the financial rules require further careful study.

We consider the increase in the number of arrests of ships on unjustified grounds, merely to satisfy the actions of creditors, to be a negative development. We condemn the arrest of crews with such vessels, which constitutes a violation of the crews' human rights. We would welcome the preparation by the International Tribunal of the Law of the Sea of a compendium of jurisprudential practice, which would illustrate clearly the limited grounds for the valid arrest of vessels in foreign ports.

Finally, we regard the results of the work of another institution established by the Convention — the International Seabed Authority — as very positive. We particularly welcome its adoption, at its sixth session held this year in Kingston, of the deep seabed mining code.

This year, as in years past, Ukraine has the honour to sponsor the draft resolution on oceans and the law of the sea, so ably introduced by Victoria Hallum, the representative of New Zealand. Paragraph 1 of the draft resolution calls upon all States that have not done so to become parties to the Convention and the Agreement. In this regard, we welcome the statement by the representative of the United States

that his country continues to pursue ratification, with the goal of becoming a party to the Convention and the part XI amending Agreement.

In conclusion, I welcome the provisions of the draft resolution recognizing the expected increase in responsibilities of the Division for Ocean Affairs and the Law of the Sea in view of the progress in the work of the Commission on the Limits of the Continental Shelf and the anticipated receipt of submissions from States. We believe that the Division, by virtue of the special responsibilities of the General Assembly, continues to play a pivotal role in this important process by monitoring all developments relating to the law of the sea and ocean affairs, as well as in servicing the Commission. Once again, we commend the Division for its excellent performance.

Mr. Paolillo (Uruguay) (*spoke in Spanish*): As in previous years, this year's discussion on the oceans and the law of the sea has been made easier by the report of the Secretary-General, which once again provides us with a wealth of clear, well-organized information. Accordingly, we wish to thank the Division for Ocean Affairs and the Law of the Sea, which was charged with preparing the report. We would only like to suggest that the Division consider structuring future reports so as to give readers a comprehensive, integrated overview of the current situation of marine areas and related developments, while continuing to provide a detailed analysis of the various aspects of this issue. We believe that in order to provide such a comprehensive overview, this additional material should include statistical data related to the main activities that are taking place in our oceans — such as fishing and the exploitation of non-living resources. The Division can easily obtain such data from other United Nations sources, and it would provide a statistical complement to the focus on legal institutions that predominates in the report. With this in mind, we think that the calls contained in paragraphs 43 and 44 of the draft resolution A/55/L.10 are very appropriate. These paragraphs call on intergovernmental organizations, specialized bodies and other institutions to contribute to the preparation of the Secretary-General's comprehensive report.

This time the General Assembly also has, in addition to the Secretary-General's report, another report from the first meeting of the Open-Ended Informal Consultative Process on this issue. We would like to thank and congratulate the Co-Chairpersons, Ambassador Tuiloma Neroni Slade of Samoa and Mr. Alan Simcock from the United Kingdom, for successfully conducting these informal consultations. We agree that the next round of consultations should focus on marine science and technology and on piracy. We believe that future consultations, along with being as productive as the first round, will offer experts from other countries the opportunity to contribute to the examination of this issue.

The issue of the oceans and the law of the sea has so many complex aspects, a simple reflection on the documents that have been submitted for our consideration must be incomplete. Uruguay is particularly concerned about two problems, to which I will limit myself here today.

The first problem is the question of the overexploitation of the living resources of the sea. We see this as one of the most serious problems we must address. It demands urgent solutions. The extreme seriousness of this problem is not due to a lack of legal regulations, but rather to the fact that many of the existing international instruments have been acceded to by only a relatively small number of countries, and because a number of these instruments have not entered into force because they lack the requisite number of ratifications.

Uruguay ratified the 1995 Agreement on straddling fish stocks and highly migratory fish stocks, and also accepted the 1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas. However, neither of these two instruments has yet entered into force. We believe that a more vigorous campaign to promote the ratification and acceptance of the existing agreements should be initiated. And this campaign should go far beyond the customary annual pleas that we hear in this General Assembly.

In addition, the level of compliance with and implementation of the norms of the legal regime governing ocean activities is unsatisfactory. This is the case not only as regards fishing activities but also, unfortunately, in other areas of the law of the sea. It is our belief that in the future we must concentrate on reviewing the effectiveness of existing norms, while looking at new ways to urge and encourage States to fulfil and comply with these norms.

The second problem I would like to discuss is the protection and preservation of the marine environment.

Obviously this is an issue that must continue to be a priority item on our agendas. Without prejudice to all the other aspects of this problem deserving of the Assembly's attention, we would like to highlight the importance of intensifying international cooperation with respect to one of the major land-based sources of pollution of the seas: wastewater. Wastewater not only affects the marine environment but also land-based ecosystems and human health.

In this regard, we note with satisfaction a positive response that should be imitated. I am referring to the recent adoption by the Caribbean countries of a protocol on pollution from land-based sources and activities. This was a protocol to the Convention for the Protection and Development of Marine Environment of the Wider Caribbean Region.

We also take note of the fact that the United Nations Environment Programme (UNEP) is looking at this issue, and that the information-exchange unit that was set up in accordance with the Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities is developing a methodology for taking steps regarding this kind of pollution. Over the long term, however, I believe it will be essential, in the near future, to hold a new world conference to address this problem.

As part of this discussion, I must bring up the issue of the marine transport of radioactive materials or wastes. With alarming regularity, boats transporting large quantities of radioactive material are using shipping lanes that pass along our coasts. When this has occurred and in response to protests from our authorities, the Governments whose flags are being flown by the ships in question have assured us that the transport is being carried out in line with all the existing safety standards. But we know that it will never be possible to exclude absolutely the possibility of an accident, and if an accident were to occur, it would have disastrous consequences for the maritime zones under our sovereignty and for our territory.

There is absolutely no reason for us to continue exposing our territories and our marine areas — and those of other countries — to such risks. It is our belief that we should adopt stricter regulations to ensure that the transport of such dangerous cargo use shipping lanes and meet standards that guarantee absolutely that coastal States will not suffer any damage in the case of an accident.

I cannot conclude without mentioning the successful completion of the negotiations carried out at the meeting of the International Seabed Authority with a view to formulating regulations on prospecting and exploration for polymetallic nodules in the Area. We know very well how complex this issue is, given the legal and technical problems associated with marine mining at great depths.

Mr. Shihab (Maldives), Vice-President, took the Chair.

The adoption of a genuine code to govern these activities is an achievement that should be welcomed and marks the beginning of a new stage in the activities of the International Seabed Authority, in which the working plans of the first seven investors can be put into effect.

We also wish to highlight the valuable contribution of the International Tribunal for the Law of the Sea to the consolidation of the rule of law in the international community and the work of the Commission on the Limits of the Continental Shelf. Our country, whose continental shelf extends more than 200 miles from our coast, looks forward to receiving valuable assistance from the Commission.

Mr. Hili (Malta): This delegation associates itself with the statement made yesterday by the delegation of France on behalf of the European Union.

This year's discussion on oceans and the law of the sea once again assumes significant importance in the work of the General Assembly. In view of its initiative on the concept of the common heritage of mankind, as applied to the seabed, Malta has been following this item with particular interest that has not subsided since 1967, when the late Dr. Arvid Pardo, the first Permanent Representative of Malta to the United Nations, launched the concept that eventually led to the adoption of the United Nations Convention on the Law of the Sea. Today, I take this opportunity to pay tribute to Ambassador Pardo for his remarkable legacy.

May I also thank the Secretary-General for his comprehensive report on agenda item 34, which highlights some of the challenges the international community is facing in ocean affairs.

My delegation strongly believes that the United Nations Convention on the Law of the Sea provides the overall legal framework within which all activities in this field must be considered. Problems of ocean space

are closely interrelated and as such need to be considered as a whole. The strategic importance of the Convention as a framework for national, regional and global action in the marine sector cannot be sufficiently underlined.

The General Assembly, during its fifty-fourth session, highlighted the need for international coordination and cooperation in ocean affairs. Furthermore, it also noted that oceans and seas present a special case for international coordination. The General Assembly therefore recommended that a more integrated approach be taken in addressing all legal, economic, social and environmental aspects of the oceans and seas.

Very much aware of this need, my delegation was at the forefront in promoting the establishment of an informal consultative process to facilitate the annual review by the General Assembly of developments in ocean affairs and to identify areas for enhanced intergovernmental coordination and cooperation. In this regard, we welcome the outcome of the first meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, which proved to be very useful to the deliberations of the General Assembly on this agenda item.

This holistic approach gains enhanced relevance when we consider that the rate of change in the development of marine activities is presenting the international community with new challenges in the social, economic and environmental sectors. My delegation firmly believes that marine science, with all its related aspects, especially capacity-building, is fundamental to the implementation of the Convention. In this respect, we note with satisfaction the recommendation of the Assembly to the second meeting of the United Nations Open-ended Informal Consultative Process on Ocean Affairs and the Law of the Sea that it focus its attention on this theme, as well as on the issue of piracy at sea.

One other significant issue highlighted by the Secretary-General in his report is the traffic in narcotic drugs and psychotropic substances. Traffickers increasingly turn to sea transportation as a method of drug smuggling. My delegation believes that this issue must be addressed by the international community with urgency. It is a problem that cannot be solved through the individual actions of single countries, but calls for a coordinated and collective campaign aimed against such illegal practices. In this respect, we commend the work conducted by the United Nations International Drug Control Programme.

The smuggling of migrants is another matter of concern. It is the smugglers who commit such criminal actions who should be punished and not the victims, who are very often economically and physically victimized. Unfortunately, the Mediterranean region is increasingly experiencing such illegal practices. This situation calls for collective action by the international community to address this inhumane trade in desperate persons. The international community must address, in a comprehensive manner, such factors as poverty and unemployment that are the root causes of this problem.

My delegation believes that an integrated approach to coastal zone management, and in particular to land-based sources of pollution, is fundamental to sustainable development. In this context, we reaffirm our commitment to the implementation of the Global Programme of Action on Land-based Sources of Marine Pollution. Towards this end, the Government of Malta hosted the eleventh ordinary meeting of the Contracting parties to the 1976 Barcelona Convention on the Protection of the Mediterranean Sea. Furthermore, as a concrete step towards the implementation of the objectives set out in chapter 17 of Agenda 21, the Government of Malta has also ratified all but one of the Protocols to the Barcelona Convention.

The management of marine living resources is another priority of my delegation. In this regard, we welcome the steps taken by the General Fisheries Commission for the Mediterranean Sea to strengthen its role in fisheries management, and in particular the ban on the use of drift-net fishing in the Mediterranean Sea. We acknowledge that issues relating to illegal, unregulated and unreported fishing, as well as marine debris, call for urgent action. The efforts of the Food and Agriculture Organization of the United Nations to develop an international plan of action to deter illegal, unregulated and unreported fishing are highly commendable.

Finally, my delegation, in noting with satisfaction the adoption of the mining code by the International Seabed Authority, welcomes this new development which allows the Authority to proceed to issuing contracts to pioneer investors.

Oceans need to be managed in a sustainable manner for the well-being of both present and future generations. My country is perfectly aware of this, since Malta's history, dating back more than 7,000 years, has always been entwined with that of its surrounding sea. My delegation pledges its continued commitment to the achievement of this goal.

Mr. Gomaa (Egypt) (*spoke in Arabic*): At the outset, I would like to extend my thanks to the Secretary-General for his comprehensive report prepared under agenda item 34 of the General Assembly, regarding "Oceans and the law of the sea." In this connection, we would like to underline the important role undertaken by the Secretary-General concerning the item under discussion. In particular we would like to highlight his responsibilities emanating from the United Nations Convention on the Law of the Sea (UNCLOS) concerning the management of ocean affairs and the law of the sea, as well as the preparation of annual reports and special reports.

The year covered by the report refers to important developments concerning the participation in and accession to the legal system established by the United Nations Convention on the Law of the Sea (UNCLOS). This Convention is veritably considered one of the most important conventions concluded in modern times. The entry into effect of this Convention in 1994 had a great effect in supporting the legal system established by the Convention, which had been in practice even before the opening for signature of the Convention in 1982.

The best proof can be seen in the increased attention paid by the international community to the Convention and in the increasing number of countries acceding to it. The number of members that have acceded to the Convention has so far reached more than 130. In this connection, we would like to encourage the rest of the international community to accede to the Convention.

We would also like to urge the States parties to the Convention to submit the necessary declarations in accordance with Articles 287 and 288 concerning the settlement of disputes, because the number of States that have submitted declarations in this respect is still limited.

We have already established three institutions under the Convention: the International Seabed Authority, the Commission on the Limits of the Continental Shelf and the International Tribunal for the Law of the Sea. Thus, these institutions have effectively moved from the stage of creation to the stage of operation. The results of their work have become clear to all.

Egypt has actively participated in the efforts leading to the establishment of these institutions. We thus call upon the international community to proceed to the implementation of the legal system established by UNCLOS by applying the provisions of the Convention at the national level. In this connection, I would like to welcome the observation of the Secretary-General in his report that there is an increasing trend on the part of the States to adopt national strategies with regard to the oceans on the basis of the principle of integrated management. We see that this will help States to adopt relevant decision-making mechanisms at the national level. Here, we would like to confirm that there is a need to pay more attention to the ocean resources. In particular, we believe that the preservation and protection of marine environments is the responsibility of the whole international community.

We have taken note of the activities of the International Tribunal for the Law of the Sea over the past year. We encourage disputing parties to resort to the Tribunal to settle their differences. We would like to pay tribute to the significant effort made by the International Seabed Authority to enact the Mining Code, which is important in establishing the basis for exploring the seabed of the Area in a manner that preserves common rights to natural resources. At the same time, we would like to support the efforts of the Commission on the Limits of the Continental Shelf with regard to the question of training and the establishment of a trust fund to help in financing the participation of the members of the Commission from developing countries.

This year the Informal Consultative Process held its first meeting. Even though the General Assembly will evaluate the work of this Process during its fifty-seventh session in accordance with its resolution 54/33, we would like to make two general observations concerning the benefits that could be gained from this process. We have noticed that the majority of developing countries have not been able to send experts to attend the meetings, owing either to lack of resources or to lack of experience. This is a question that has its effect on the effectiveness of the process.

On the other hand, the priorities of developed countries featured high on the agenda of the Process, and this adversely affected the benefits that developing countries could gain from this Process.

The Secretary-General's report tells us that marine safety constitutes a challenge to the majority of countries, particularly developing countries and that there is an increase in crime affecting marine shipping, including trafficking in drugs, goods and stowaways, as well as an increase in piracy. This requires our vigilance and attention. In this regard, we would like to pay tribute to the efforts of the Ad Hoc Committee established in accordance with Economic and Social Council resolution 1998/14 of 1998, which was entrusted with the preparation of a general agreement to combat transnational crime. We expect that such a convention will contribute to combating this kind of crime and to eliminating it completely.

The preservation and monitoring of the marine environment, economically and environmentally, are basic objectives of UNCLOS. This is an integral part of the implementation of the Convention. Regrettably, however, present studies indicate that despite an increase in fishery products, future demand for fish cannot be met. This is due to the lack of good management of sea and ocean resources. We noticed that the present legal system has not been able to protect fish resources against over-exploitation. This is due to over-fishing of living maritime resources and to lack of political will by some States to respect certain rules concerning fisheries, rules pertaining to quantitative limits as well as to means of fishing — for example, the resort by some countries to drift-net fishing, which causes harm to fish resources and to the marine environment. We call upon those States to respect the Agreement on fish stocks of 1995, as well as the Code of Conduct for Responsible Fisheries. We call upon them to enact special rules concerning the sale of sea products in a responsible manner complementing both the Code and the Agreement.

As for the deterioration of the marine environment, the report of the Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP) indicates that there have been efforts at the national level and some successes at the regional level, particularly those aimed at decreasing the discharge of oil by ships. However, the situation in the oceans is deteriorating owing to the dumping of radioactive materials, hazardous materials, poisonous materials, sewage materials and oil. We therefore confirm that it is necessary to enhance international cooperation in order to avoid pollution of the environment.

We call for the enforcement of internationally recognized criteria for protecting the marine environment. We refer here to the report on environment prospects for 2000 issued by the United Nations Environment Programme (UNEP) in September 1999, which indicates that the coastal marine environment is affected concretely by natural changes, destruction, over-fishing and pollution. The report indicates that the ocean bed is no longer immune from pollution. In particular there is evidence of environmental deterioration in some areas, particularly a decline in some marine species.

Here we confirm the importance of abiding by article 235 of the United Nations Convention on the Law of the Sea, concerning international cooperation on matters of accountability, responsibility, the assessment of and compensation for damages and the settlement of disputes. In this regard, Egypt has adopted important measures to protect and preserve the marine environment, such as enacting rules and special laws on the environment and declaring some marine areas as natural reserves.

Egypt has given the question of underwater cultural heritage special attention, and we support the efforts of the United Nations Educational and Cultural Organization (UNESCO) to prepare an international agreement on the subject as soon as possible in order to protect this heritage. However, we have to take into consideration the rights of coastal States, particularly their jurisdiction over the underwater cultural heritage in the exclusive economic zones or in the continental shelf, in line with the United Nations Convention on the Law of the Sea. We hope that the Director-General of UNESCO will be able to submit a draft on the matter to the General Conference of UNESCO, particularly in light of technological development, which has helped in exploring for, lifting and salvaging historic debris even from very deep waters.

Mr. Manele (Solomon Islands): Solomon Islands fully aligns itself with the statement made by the Permanent Representative of Tonga, on behalf of the countries of the Pacific Islands Forum. We also endorse the statement by the delegation of Samoa on behalf of the Alliance of Small Island States (AOSIS).

The indispensability of the oceans and seas to the economic development and sustenance of our countries, especially the small island developing States in our region, cannot be underestimated. For Solomon Islands the fisheries sector, in particular the tuna industry, accounts for 25 per cent of our foreign exchange earnings. It is the single largest employer. Coastal fisheries on the other hand, while mainly providing subsistence fishing, are critical to the well-being of our rural population. Solomon Islands is among the countries with the highest per capita consumption of fish in the world. It is therefore no surprise that my delegation attaches great importance to oceans and seas issues and continues to be a sponsor of draft resolutions on this item.

The problems of over exploitation of living marine resources, excess fishing capacity, by-catch and discards, and illegal, unregulated and unreported fishing remain major concerns for my country. The prevalence of illegal, unregulated, and unreported fishing seriously undermines the economic base, food security and, above all, the human security of coastal States like Solomon Islands. The international community, especially the Food and Agriculture Organization of the United Nations (FAO), must redouble its efforts to address this problem. Similar efforts are required to implement internationally agreed plans of action to confront marine pollution and the impact of climate change and changing weather patterns, such as El Niño on the marine ecosystem. The damaging effects of the El Niño phenomena, including coral bleaching, are particularly alarming. Coral bleaching directly threatens the survival of both the coastal marine ecosystem and the communities that depend on reef services.

Recognizing the need to promote sustainable exploitation of our fisheries resources and the proper management of the marine environment, Solomon Islands has revised its laws relating to fisheries, and enacted a Fisheries Act in 1998. This Act is consistent with the United Nations Convention on the Law of the Sea (UNCLOS) and the United Nations fish stocks Agreement, both of which we have ratified.

In accordance with the provisions of the Act, and with technical assistance from the Forum Fisheries Agency, we have developed a tuna fishery management and development plan. The plan, one of the first of its kind in our region, provides clear policy guidelines and a transparent decision-making process for tuna fisheries. It also offers a framework for the sustainable use of our tuna resources, while maximizing the economic and social benefits to our people.

In addition, the Act includes provisions for the installation of the Vessel Monitoring System (VMS), which enables our authorities to monitor the position of all distant water fishing Nation vessels fishing in our exclusive economic zone. Installation of the VMS is not a licence to fish. It is a cost-effective and efficient means of controlling fishing activities, and Solomon Islands views its use as a relatively minor imposition on distant water fishing nation operators. Provided fishing vessels are doing the right thing, there should be no difficulty with this requirement. To date, several vessels have been fitted with the VMS. Solomon Islands appreciates the cooperation of a number of distant water fishing nations in this exercise and calls on others to follow suit. We further encourage other countries in our region to legalize the use of the VMS.

In collaboration with The Nature Conservancy, Solomon Islands, through our Ministry of Environment and a community group, has established a marine reserve project called the Arnavon Islands Marine Reserve. The Arnavon Islands is one of the most important rookeries in the western Pacific for the endangered hawksbill turtle. The area's marine environment also supports commercially valuable species, including fish, oysters, beche-demer and giant clams. The project is community-based, involving three villages in the area. It consists of a management plan that provides viable alternative marine enterprises. This is the country's first cooperatively managed marine conservation area. If successful, it will demonstrate the economic and ecological benefits of a community-based approach to development and resource conservation.

At the regional level, Solomon Islands was actively involved in the Multilateral high-level Conference and negotiations leading to the adoption, on 4 September this year, of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, which was concluded pursuant to the principles outlined in the United Nations fish stocks Agreement. Solomon Islands wishes to acknowledge the able Chairmanship of Ambassador Satya Nandan in concluding the negotiations. We look forward to a concerted regional effort to implement the Convention, as well as to its increasing international acceptance.

Solomon Islands also welcomes the establishment of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, which held its first consultations here in New York last May. We are of the view that the United Nations remains the appropriate body to host and facilitate such an attempt to achieve an integrated approach on oceans and law of the sea matters. The continued participation of experts from small islands developing States at future consultations is important.

The issue of the establishment of the outer limits of a State's continental shelf beyond 200 nautical miles within the 10-year period of entry into force of the United Nations Convention on the Law of the Sea for State parties is a pressing issue for Solomon Islands, which ratified the Convention in 1997. The practical and technical obstacles that developing countries, in particular small islands developing States and the least developed countries, face in such a mammoth task are very obvious. As highlighted during the Tenth Meeting of the States Parties, the support and cooperation of the international community are vital. In this regard, my delegation welcomes Norway's announcement of its initial contribution to the proposed voluntary trust fund for the above activity.

Finally, like others who spoke earlier, Solomon Islands welcomes the adoption of the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area, the mining code, by the International Seabed Authority at its resumed sixth session. This instrument enables the Authority to proceed to issue contracts to the registered pioneer investors whose work plans were approved by the Council of the Authority in 1997. Solomon Islands also notes with keen interest the continued work of the United Nations Educational, Scientific and Cultural Organization towards a draft convention for the protection of the underwater cultural heritage. We hope that the ongoing negotiations on this draft convention are in conformity with the relevant provisions of the United Nations Convention on the Law of the Sea to ensure wider and stronger international support when it is adopted and implemented.

Mr. Leslie (Belize): This delegation wishes to express its gratitude to the Permanent Representative of Jamaica for her statement on behalf of the members of the Caribbean Community. We concur with that statement. My delegation also wishes to be associated with the statement to be issued by the Permanent Representative of Samoa on behalf of the Alliance of Small Island States.

One year has passed since we last debated the matters being discussed today. Since then we have taken what might, in due course, be seen as a quantum leap. Two eminent islanders have presided over that leap, Ambassador Tuiloma Neroni Slade of Samoa and Mr. Alan Simcock of the United Kingdom of Great Britain and Northern Ireland. We thank these sons of two sets of islands. A third islander whom I take pleasure in complimenting is Mr. Donigi of Papua New Guinea. As President of the Tenth Meeting of States Parties to the United Nations Convention on the Law of the Sea, Mr. Donigi has also been ably presiding over a process that is seeing considerable development and maturation.

An aspect of that process is the significant strides being made by the Commission on the Limits of the Continental Shelf and the International Seabed Authority. Their labours give much cause for satisfaction. This is well complemented by the rich productions of the International Tribunal for the Law of the Sea, which in a short time has developed substantial jurisprudence.

The quantum leap has been the first meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, which has given us the somewhat promising new acronym, UNICPOLOS. In a single bold step, the Consultative Process has reformed the dynamic of this vitally important annual debate. At the same time, it is clear that now there will be greater and wholesome concentration of our minds and our energies on the vast array of matters concerning the oceans and law of the sea. My delegation is convinced that we will now have much better focus and sharper vision.

So convinced is the delegation of Belize of the importance of the Informal Consultative Process that these remarks are largely limited to the two main issues on which the Process focused. This may well become somewhat of a trend in the annual debate, since normally the possible subjects for discussion are so numerous as to be potentially unmanageable.

First, I must say how impressed my delegation has been by the UNICPOLOS discussion of responsible fisheries and the phenomenon of illegal, unreported and unregulated fishing — IUU fishing. The report of the Informal Consultation Process provides a wealth of

vital information about these matters. Before discussing a few aspects of it, let me state that my delegation still prefers to describe this phenomenon as "fishing" and not "fisheries", which has certain connotations that do not seem to be apparent in the phenomenon under discussion.

The report briefly outlines the discussion of the useful experience of other States. In that connection, we were impressed by such local practices as Iceland's Committee on Good Treatment of Living Marine Resources. Perhaps such committees of stakeholders and other participants, including fishing fleets and maritime administrations, could be established on a regional or subregional basis — for example, in the area of the Association of Caribbean States, of which Belize is a member.

The UNICPOLOS report also contains suggestions for a number of paths that can be followed by countries such as mine and its neighbours. These include common or joint systems of information, monitoring, surveillance and enforcement within and between various communities and jurisdictions.

I must also commend the utility of another report of the Secretary-General — his report on large-scale pelagic drift-net fishing, unauthorized fishing, fisheries by-catch and discards, and other matters. That report is a useful compendium of national, subregional and regional practices and developments. This year its survey of legislation, policy instruments and actions is an excellent counterpart to the UNICPOLOS documents.

These processes have led my authorities to consider more closely the possible ratification of the fish stocks Agreement, of which it is a signatory. It is seeking advice on this matter, as well as on the related question of the possibility of adherence to the Food and Agriculture Organization of the United Nations Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas.

In this connection, the delegation of Belize wishes to note its views that the ongoing discussion on the responsibilities of the flag State is a matter in which some material particulars differ from what has been called "providing a definition of the genuine link under article 91 of the United Nations Convention on the Law of the Sea". Apart from the fact that article 91 refers to a genuine link, and not to a sole and all-encompassing concept, flag State responsibilities arguably could encompass elements that might comprise less, or even more, than a genuine link, which could ultimately not be seen as a central issue.

Another key issue that was closely examined by UNICPOLOS was the economic and social impact of marine pollution and degradation. There is much ignorance or lack of caring about these matters in developing countries and even in developed countries. I am uncertain about the degree of sensitization of many populaces or even industries about the impact of land use and riverine use on drinking water and coastal marine resources. Recently these matters were brought home in a rather dramatic fashion in Belize's central southern coastal and riverine areas.

Furthermore, in countries such as mine we are at the dawn of realization of the existence of the debate about the possible impact of vessel source pollution on the marine environment. That realization is dawning just as we are beginning to see a substantial increase in visits by cruise vessels.

A similar issue is the potential negative impact on the marine environment of some forms of mariculture.

It is clear that in our various subregions there is a need for the establishment of a popular sensitization process, for the creation of a clearinghouse mechanism and for the expansion and improvement of information systems. This leads me to recall that, as always, we cannot fail to advert to the massive need for capacity-building and for obtaining training and technical and financial assistance to develop necessary expertise and infrastructures. In that connection, the delegation of Belize sincerely commends the initiative of the United Kingdom for proposing and the Meeting of States Parties to the Convention for recommending a broad-based and multifaceted trust fund for developing countries that are litigants before the International Tribunal for the Law of the Sea. The matter is before the General Assembly today.

We also commend other matters before the Assembly today: the proposed trust fund initiatives related to participation in meetings of UNICPOLOS and of the Commission on the Limits of the Continental Shelf and for States to meet their obligations under article 76 of the Convention on the Law of the Sea. We would also urge the exploration of modalities to ensure enhanced participation at the meetings of the International Seabed Authority.

Mr. Cappagli (Argentina) (*spoke in Spanish*): The United Nations Convention on the Law of the Sea was adopted in this very building on 30 April 1982. The Convention was opened for signature at the end of that year, and entered into force in the next decade.

The seas and oceans cover most of the earth's surface and — among many other things — provide 80 per cent of the planet's oxygen and are a vital source of food and resources. The universal legal regime governing them is therefore a fundamental constitutional pillar, which is the result of many years of dedicated work, robust negotiations and delicate compromises. Consequently, full respect for the Convention should guide all activities related to the seas and oceans.

Argentina has signed and ratified the Convention on the Law of the Sea and reiterates its firm commitment to that instrument, which is of ever-increasing importance. We therefore believe that its implementation by States and international organizations should be strictly guided by its norms.

The General Assembly considers the report of the Secretary-General on this matter annually. This year we have also benefited from the first meeting of the Informal Consultative Process on Oceans and the Law of the Sea, which is an interesting and innovative mechanism. Our country took part in the preparations for the first meeting of this experimental mechanism, and hopes to be able to continue to contribute to perfecting it. We believe that this Process should guarantee the full participation of experts from every State, and in particular those of developing countries. We also believe that both the issues under consideration and their results should reflect a consensus that takes into account all points of view.

We congratulate the International Seabed Authority and its member States on the adoption of the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area, a mining code whose adoption makes it possible to begin issuing contracts to the registered pioneer investors. We would like to point out that those investors will be subject to the provisions of the Convention, the Agreement on Part XI and future norms and regulations established by the Authority in conformity with the Convention and the Agreement. Those provisions will include rules for preserving the environment necessary to guarantee the appropriate development of those activities.

Argentina likewise supports the negotiating process being undertaken within the United Nations Educational, Scientific and Cultural Organization on a convention on the underwater cultural heritage. We believe that that process should be concluded within the framework of that body, with respect for international law, as codified in the United Nations Convention on the Law of the Sea.

My country would also like to refer to the maritime transport of radioactive wastes and mixed oxide fuel. We share the concern about their transportation because of the intrinsic danger posed by such cargoes to the health of the inhabitants, the environment and the marine ecosystems of our region. Although these cargoes seem to be in line with international standards on the transport of radioactive materials, and even bearing in mind that Argentina has never questioned the principle of freedom of navigation, we must point out — given the very serious consequences of an accident involving such materials — that this is an extraordinarily delicate type of shipment. It will therefore be necessary to increase the contacts between the Governments involved in order to take all appropriate precautionary measures.

Once again this year we have seen how the law of the sea and ocean issues have captured the interest of the General Assembly. We are pleased to see such important issues receive the attention they so richly deserve. They are not only at the top of the agendas of many countries; they are also vital to the international community. Argentina will continue to support their development.

In closing, we would like to express our deep appreciation for the efforts made by the coordinators of the two draft resolutions — Ms. Alison Drayton of Guyana and Ms. Victoria Hallum of New Zealand — as well as by Mr. Colin Mciff of the United States of America.

Mr. Slade (Samoa): I have the honour to speak on behalf of the 37 member countries of the Alliance of Small Island States that are Members of the United Nations.

First, may I thank all concerned for the quality of the Secretary-General's annual report on the oceans and law of the sea. We appreciate in particular the detailed nature and comprehensiveness of the report and the efforts to make it as current as possible. It seems to us, though, that the annual report could well

benefit from a more analytical approach to some of the issues, perhaps with an assessment of how some of the persistent problems could more effectively be addressed. The discussions at the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea and the issues and viewpoints expressed could no doubt be useful in that respect. We look forward to the possibility of such an approach in the year ahead.

The ocean exerts vital influence on all islands. We are ocean-dwellers; it is our natural environment. We take seriously the fact that our communities are acknowledged custodians of large areas of the world's oceans and seas. Islands have a high share of global biodiversity, which is now increasingly under pressure, and our countries are at the forefront of the struggle against climate change. These factors point to a complicated web of local and global issues, and to the obvious need to take an integrated approach in dealing with them. They explain why island States are concerned, in the context of sustainable development, to promote such an approach in the conservation and management of special areas such as the Caribbean Sea. They are also the same factors that underline the exposure and predicament of island communities, and the urgent need for the international community as a whole to help with more specific measures for the effective implementation of the Barbados Programme of Action for the Sustainable Development of Small Island Developing States.

The United Nations Convention on the Law of the Sea is now nearly universal in its acceptance and recognition by the international community. It sets the legal order and provides the framework within which all activities relating to the oceans and to the seas must be considered and carried out. The Convention is both comprehensive and integrated, and for the foreseeable future we would expect that it will continue to provide a sound and balanced basis for national, regional and global efforts. For the Convention to be fully effective, however, we would need to ensure that it is implemented uniformly and in a manner that preserves its integrity and character.

With States and organizations now striving to implement the Convention and to use it as a framework for a variety of economic, scientific and technical activities, it is essential that there be the fullest coordination and integration at all levels. The agreements and the declared objectives of Agenda 21, its chapter 17 in particular, provide the essential necessary tools for implementation. As the Under-Secretary-General for Economic and Social Affairs, Mr. Nitin Desai, remarked at the opening of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea, there needs to be a connection between the legal dimension of rights and obligations set under the Convention and the substantive programmatic dimension with regard to sustainable development provided for in Agenda 21.

Some of these issues were addressed by the Commission on Sustainable Development at its important seventh session, out of which we had the recommendation, accepted by the General Assembly, for a more integrated approach to all legal, economic, social and environmental aspects of oceans and seas, both at the intergovernmental level and at the inter-agency level. Let me say that our own group agrees that we need to provide for adequate oversight and coordination of the myriad activities relating to the oceans and seas. Without proper coordination and an integrated approach, there is risk of fragmentation and possibly contradictory activities and results.

The AOSIS countries welcomed the inauguration of the Informal Consultative Process earlier in the year. We see it as a necessary and positive step forward in addressing in some detail some of the current and emerging issues of concern. AOSIS reiterates its full support for the Consultative Process. We take the opportunity to offer our congratulations and warmest appreciation to all the many persons concerned with the preparations and the holding of this new, important series of consultations, to my Co-chairperson, Mr. Alan Simcock, and to other colleagues at the division for Ocean Affairs and Law of the Sea in particular, as well as to Second-Committee colleagues led by New Zealand, Guyana and the United States, who coordinated the draft resolutions now before the Assembly.

We thought that the choice of illegal, unreported and unregulated fishing as one of the two major themes for the Informal Consultative Process was appropriate. Overexploitation of marine resources and the consequent degradation of the marine environment are obviously matters of serious concern for all countries. That they continue to occur, in some cases with alarming severity of consequences, represents, in a sense, the inability of States to properly implement agreed and desired tasks and goals. Tackling the

problem of illegal, unreported and unregulated fishing is directly linked to the sustainable future of coastal island countries such as ours, to food security and to the general improvement of our economies. This remains an urgent matter, and we readily join the call in draft resolution A/55/L.10, urging States to do their utmost through efforts begun within the Food and Agriculture Organization of the United Nations (FAO) to agree on a comprehensive international plan of action on illegal, unreported and unregulated fishing.

The Secretary-General's report (A/54/2000) to the Millennium Assembly identified marine and coastal areas as among the most essential to human life, and also as the most threatened by pollution. Healthy marine and coastal systems would be the absolute prerequisite for the sustainability of island States. We place the highest priority on this issue, and we appreciated the opportunity made available during the Informal Consultative Process to have the problem of pollution from land-based sources discussed. It is the view of our group that much more is required of the international community to address the problem and to properly implement the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities. The AOSIS countries will follow with attention and with interest efforts now being made for the first intergovernmental review of the Global Programme of Action.

One of the most important features of the Informal Consultative Process was the discussion focused on the capacity-building needs of developing countries, especially in dealing with issues of ocean management. The lack of human resources, funds and technology are real obstacles for many developing countries. The members of AOSIS want, in particular, to thank the many delegations that called for special capacity-building initiatives for the benefit of small island States, owing to their vulnerability to the adverse effects of climate change and their exposure to natural disasters. We note with appreciation that the matter of capacity-building needs, especially for least developed countries, for small island States and for low-lying countries, is given emphasis in the draft resolutions now before the Assembly.

We very much welcome the proposed establishment of trust funds for the International Tribunal for the Law of the Sea, for the facilitation of submissions to the Commission on the Limits of the Continental Shelf and to assist developing-country participation in the consultative process. Our own countries face impediments and real difficulties in participating in international forums dealing with ocean issues, and the proposals for assistance in this regard are deeply appreciated. I would need to say, though, on behalf of our group, that the provision of funding assistance to only some of the law of the sea bodies and not for the benefit of others – such as assistance to facilitate participation in the work of the International Seabed Authority in Kingston, Jamaica – is likely to raise a problem of uneven attention. We would propose that consideration might be given to this matter as well.

We have noted with satisfaction the recent ratifications of the Agreement for the implementation of the provisions of United Nations Convention on the Law of the Sea relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, including that of the Government of Barbados. We believe that the early entry into force of that important Agreement would give major momentum towards responsible fisheries and the goal of sustainable development, and we would encourage more States to follow the example of those that have ratified the Agreement.

I should like to say that we had expected the Convention on the Law of the Sea and Agreement on fish stocks to be among the instruments recommended for priority signature and ratification during the Millennium Summit.

I should also like to take this opportunity to acknowledge the endeavours of all States involved, including the AOSIS Pacific island States, and the significance of the adoption, in Honolulu last month, of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific ocean.

The livelihood and economies of small island communities are especially dependent on healthy and productive fisheries, and this new Convention represents an important development in the maintenance of sustainable fisheries resources. We note that the Convention incorporates and reflects the principles of the United Nations Agreement on fish stocks.

In line with our role as custodians of vast areas of ocean space, the AOSIS countries intend to continue to maintain their close engagement and participation in all matters relating to the oceans and seas.

Mr. Naidu (Fiji): Fiji fully aligns itself with the group statements delivered earlier by Ambassador Tua Tupou of Tonga on behalf of the South Pacific Group (SOPAC) and by Ambassador Neroni Slade of Samoa on behalf of the Alliance of Small Island States (AOSIS).

My delegation acknowledges with gratitude the annual report by the Secretary-General on oceans and the law of the sea. At the outset, Fiji reaffirms the traditional, economic, social, legal and ecological significance that oceans and seas have in the lives of our people. The Pacific Ocean constitutes the largest span of the world's oceans and living marine resources. Today, this is particularly significant, because it is dependent for its protection, conservation and management largely on small island developing States in the region — States that are isolated, remote and separated by great distances, yet united with a common purpose to manage sustainably their ocean and sea.

Likewise, Fiji, along with its fellow Pacific States, is acutely aware of the importance of ensuring the global management of oceans and seas in an integrated and sustainable manner, as this not only has an impact on the Pacific Ocean, but, indeed, affects our entire ecosystems.

It is for this reason that Fiji has actively pursued and facilitated those tasks that will advance United Nations initiatives in our collective search for solutions, measures and processes with regard to the oceans and seas. Some of these have already been highlighted in the SOPAC statement. In that statement, Fiji recommitted itself to this agenda item and called on all Member States to seize every opportunity to do likewise and thereby give life to the legal framework that has been set out by the United Nations system in compliance with the Charter.

In this regard, the Pacific region is well advanced in implementing United Nations agreements and resolutions, including those touching on fisheries. A tuna commission was recently established, pursuant to the relevant Convention for the conservation and management of tuna resources in the central and western Pacific.

The Forum Fisheries Agency (FFA), in establishing minimum terms for and conditions of access for fishing in the exclusive economic zones of member States, is implementing United Nations resolutions promoting responsible fishing practices. This will address the growing concerns over illegal, unregulated and unauthorized fishing.

Like its Pacific neighbours, Fiji has observed its obligations and carried out relevant tasks in this area despite the fragile state of our developing economy. In addition to taking part in the regional initiatives mentioned earlier, Fiji regularly reviews and amends its legislation to align it with FFA conventions, thus implementing United Nations arrangements.

The support and assistance of developed or industrialized countries have been, and will continue to be, critical in these endeavours. There has been a significant measure of goodwill in ongoing work at the international, interregional and regional levels. Unfortunately, there is a sense that there is a risk that this positive international commitment may give way to national or political considerations.

Now, more than ever, Fiji is of the firm view that ongoing measures, initiatives and processes need to be strengthened and consolidated. We can forge ahead with these goals in this General Assembly session by taking a consensus position. Failing that, we can at least plead for and look forward to future consensus and amicable negotiations.

To this end, my delegation takes seriously the General Assembly's mandate to enhance coordination and cooperation by establishing an open-ended informal consultative process to facilitate the annual review of ocean affairs by the General Assembly.

Fiji joined other members in the first consultative process in May this year and remains hopeful that its outcome, and future consultative processes leading up to the fifty-seventh session of the General Assembly, will leave us all in no doubt about our global capability to manage ocean affairs, including the international legal framework, in a sustainable way, despite the difficulties facing that goodwill.

Fiji is signalling its unwavering commitment to this agenda item by sponsoring draft resolutions A/55/L.10 and A/55/L.11, and pleads for the spirit of consensus to continue to prevail on these issues of great importance to us all.

Finally, I should like to commend delegations for the consensus position reached on the two areas of focus for the second consultative process, which is to be convened in May 2001. These technical and specialist topics demand particular skills, both for

leading and directing the process and for ensuring optimal representation and participation by developing and developed States alike. It is therefore imperative to adopt the draft resolutions, and to select appropriately skilled and eminent people to drive the process towards a meaningful outcome.

Fiji is confident that, throughout the process, the future reports of the Secretary-General will be further enriched by the outcomes of the consultative processes, as was duly mandated by this Assembly.

Miss Ramoutar (Trinidad and Tobago): Trinidad and Tobago fully associates itself with the statements made by Miss Patricia Durrant, the Permanent Representative of Jamaica, on behalf of Caribbean Community (CARICOM) member States, and by Mr. Tuiloma Neroni Slade, the Permanent Representative of Samoa, on behalf of Alliance of Small Island States (AOSIS) member States. We propose, therefore, only to comment briefly on a few areas.

The delegation of Trinidad and Tobago would like to express its appreciation to the Secretary-General for his very comprehensive reports on oceans and the law of the sea and on large-scale pelagic drift-net fishing. We wish to commend, in this regard, the Division for Ocean Affairs and the Law of the Sea for its very valuable contributions and its support to delegations on issues relating to oceans and the law of the sea.

Trinidad and Tobago welcomed the convening earlier this year of the first meeting of the Informal Consultative Process on Oceans and the Law of the Sea. We wish to commend the Co-Chairs of the Informal Consultative Process, Ambassador Slade of Samoa and Mr. Alan Simcock of the United Kingdom, on their very able conduct of the meeting. We believe this was a positive first step towards the goal of effecting greater coordination and cooperation by the international community on issues relating to oceans and the law of the sea.

The General Assembly's endorsement at its nineteenth special session in 1997 of the Commission on Sustainable Development's recommendation that there should be

> "a periodic intergovernmental review by the Commission of all aspects of the marine environment and its related issues, as described in ... Agenda 21, and for which the overall legal framework is provided by the United Nations Convention on the Law of the Sea" (*resolution 5/19-2, para. 36*)

gave impetus to the new approach by the General Assembly. We view the outcome of the Process as useful, since it provided the opportunity for us to benefit from the experience of experts on matters of concern to us as a small island developing State. We look forward to productive discussions next year on the topics we have agreed upon.

Developing countries often lack adequate capacity in many areas, such as marine science and the technology for the exploitation of the resources of the oceans, the conservation and protection of living resources and coastal management and for adequately addressing the growing problem of pollution of the marine environment. It is necessary for us to bear in mind that many small island States and coastal States depend on the marine environment for their very livelihoods. Participation in discussions on such key topics in an international forum can only redound to the benefit of developing countries.

Trinidad and Tobago hopes that future meetings of the Informal Consultative Process will see the participation of a wider cross-section of member States, and that they will derive greater benefit from the discussions and the input of experts and specialized agencies. In this regard, we are pleased that under the draft omnibus resolution to be adopted the General Assembly will request the Secretary-General to establish a voluntary trust fund for the purpose of assisting representatives of developing countries, in particular least developed countries, small island developing States and landlocked developing States, to attend the meetings of the Informal Consultative Process. We hope that this measure will enable developing countries to participate and contribute to the work of the Informal Consultative Process in a more meaningful manner.

The willingness of the international community to establish the other trust funds set out in the draft resolution is indicative of its recognition of the importance of, and the need for, broader participation in developments in all areas of oceans and the law of the sea. These trust funds relate to assistance to States in the settlement of disputes before the Tribunal, participation in the work of the Commission on the

Limits of the Continental Shelf by its members from developing States, and assistance to States in preparing and submitting information with respect to their continental shelves under article 76 and annex II to the Convention. We are grateful to the States that have taken the initiative regarding these trust funds and appreciate the early indications of support for the funds.

We align ourselves with the sentiments expressed by the Permanent Representative of Jamaica on behalf of CARICOM and by the Permanent Representative of Samoa on behalf of AOSIS regarding the need to ensure greater participation by the international community – in particular, developing States – in the work of the International Seabed Authority. We reiterate the significance of the Authority's work and welcome the outcome of its work during this year. We echo the recognition of the need to consider a similar trust fund to enable greater participation by developing States in the sessions of the Authority, which has suffered from quorum problems in recent meetings.

Trinidad and Tobago was re-elected to the Council of the Authority earlier this year and remains committed to contributing in a meaningful way to the ongoing work of the Authority. We congratulate Secretary-General Satya Nandan on his re-election for another term, and to assure him of the continued support of the Trinidad and Tobago delegation.

The achievements of the International Tribunal for the Law of the Sea since its establishment in 1996 are to be commended. It is a positive sign that States are increasingly having recourse to the Tribunal. This is indicative of the willingness of the international community to settle disputes by peaceful means in accordance with international law. Trinidad and Tobago reiterates its support for the Tribunal as it continues to develop its jurisprudence on the law of the sea.

We also believe that the very important work of the Commission on the Limits of the Continental Shelf can best be accomplished by the contributions of all of its members, whom we, the international community, have entrusted with the task before them. We welcome the progress of the work of the Commission this year and look forward to greater participation by all members in the future. This is particularly important in light of the anticipated increase in the workload of the Commission in the near future.

I wish to take this opportunity to highlight once more Trinidad and Tobago's continued objection to the trans-shipment of nuclear waste through the Caribbean Sea. The Honourable Ralph Maraj, Minister for Foreign Affairs of the Republic of Trinidad and Tobago, in his address to the General Assembly on 13 September 2000, lamented the blatant and persistent misuse of the Caribbean Sea as a trans-shipment route for nuclear waste. This continues to be a cause for major concern to our Government and, indeed, many others of the region. We continue to live under the threat of a possible accident, knowing full well that a single accident could have devastating consequences for present and future generations of our Caribbean peoples, who are heavily dependent on the marine environment for their livelihood. Accidents can occur, and we will continue to call for a moratorium on these shipments through the Caribbean Sea.

Trinidad and Tobago remains firmly committed to the principles and purposes of the Convention and is committed to continue to work at the national, regional and international levels towards the attainment of the objectives of the Convention. Since the oceans are key to the very existence of a large part of the world's population, it is incumbent upon us, the international community, to make a concerted effort to ensure compliance with, and full implementation of, the Convention for the greater benefit of all humankind.

Mr. Wilson (Saint Vincent and the Grenadines): The delegation of Saint Vincent and the Grenadines takes pleasure in participating in this important debate and in supporting the draft resolutions relating to this agenda item. This statement is given fully cognizant of the statements made by Her Excellency Miss Patricia Durrant, Permanent Representative of Jamaica, speaking on behalf of the member States of the Caribbean Community, and His Excellency Ambassador Slade, Permanent Representative of Samoa, speaking on behalf of the Alliance of Small Island States. This delegation fully endorses those statements made on its behalf.

First of all, let me say that despite the difficulties inherent in the reality that my country is an island developing State, Saint Vincent and the Grenadines continues to strive to carry out its responsibilities under the United Nations Convention on the Law of the Sea (UNCLOS) and international law in general. The same applies to the responsibilities that fall on my country as a maritime nation.

We are particularly happy about the acknowledgement, in the main draft resolution on oceans and the law of the sea (A/55/L.16), of the development of the institutions authorized by the UNCLOS. Among these are the continued useful discussions and initiatives of the Commission on the Limits of the Continental Shelf and the International Seabed Authority, especially its mining code. We are also pleased to note the steady development of the law of the sea and related subjects, including the interpretation and application of UNCLOS by the International Tribunal for the Law of the Sea.

In addition to these institutions, there will inevitably be the need to develop additional processes. The newest and most promising process is the United Nations Informal Consultative Process on the Law of the Sea (UNICPOLOS), which, we believe, will go very far towards helping us to identify ways and means of reaping some of the numerous potential benefits set forth in UNCLOS.

An additional institutional matter is the recollection in the main draft resolution of the obligation of parties to cases before a court or tribunal, referred to in article 287 of UNCLOS, to ensure prompt compliance with the decisions rendered by such court or tribunal. This brings to mind similar language elsewhere, notably in the recent Declaration of the Millennium Summit. The obligation that I have just recalled is an expression of the requirement that, for our welfare and for good order, the rule of law must be maintained by all parties to the Convention and all Members of the United Nations. It is therefore of crucial importance that judgement debtors should comply in full with judgements issued against them. In that connection, I recall the judgement given in 1998 by the International Tribunal for the Law of the Sea against the Republic of Guinea, in the Saiga case, brought by Saint Vincent and the Grenadines. Non-compliance by the judgement debtor has been the subject of several communications to Guinea or its representatives by and on behalf of the Government that I represent. It has also been the subject of a letter from my delegation to the Secretary-General. So far, however, the judgement debt remains unsatisfied.

It is the hope of my delegation that the judgement debtor in the Saiga case will now promptly comply.

Ms. Drayton (Guyana): Guyana associates itself with the statement delivered by the delegation of Jamaica on behalf of the member States of the Caribbean Community, as well as the statement made by the delegation of Samoa on behalf of the Alliance of Small Island Developing States. In this regard, and given the hour, I am sure you will be delighted to hear, Sir, that my remarks will be very brief.

Guyana considers that the omnibus text to be adopted this year on oceans and the law of the sea reflects important developments made in ocean affairs. It is a further step in the process begun at the seventh session of the Commission on Sustainable Development, namely an attempt to find a way for our annual debate on oceans and the law of the sea to focus on the practical realities of implementation. We are particularly pleased at the recognition given to the necessity of enhancing support to small-island and low-lying coastal developing States, to build their capacity so that they can effectively utilize their marine resources.

The Informal Consultative Process was, we believe, a very important development in terms of encouraging a more cohesive consideration of issues related to ocean affairs than has previously been possible. We were therefore pleased by the active participation of the various agencies and institutions involved in the management of various aspects of oceans affairs in the Consultative Process. We consider that the promotion of a dialogue between these institutions and between the institutions and Governments to be one of the most positive achievements of the Process. I would also like to take this opportunity to congratulate Ambassador Neroni Slade of Samoa and Mr. Alan Simcock of the United Kingdom for one of the most professionally executed chairmanships it has been my privilege to witness.

Guyana is not singular among Governments in finding it an increasing challenge to keep up with the many initiatives promoted each year in the course of our deliberations on various items. As a small country, we find it a formidable task to implement the commitments we undertake, to prioritize among them so as to ensure the most efficient use of our limited resources, both technical and financial, and, most of all, to keep current with those commitments so that we do not inadvertently overlook key responsibilities or obligations.

We therefore welcome the comprehensive nature of the omnibus draft resolution before us, which neatly

encompasses both legal commitments, as well as recommendations that will allow us to pursue our sustainable development goals. Guyana is of the view that the reflection of sustainable development concerns under the umbrella of the United Nations Convention on the Law of the Sea (UNCLOS) helps to breathe life into UNCLOS, as originally envisaged.

The commitments reflected in chapter 17 of Agenda 21 were, of course, negotiated within the context of the relevant provisions of UNCLOS. The eight years since the adoption of Agenda 21, however, have eloquently demonstrated that, while an integrated approach is easy to recommend in principle, its implementation can be frustratingly elusive, particularly in light of the many institutional partners involved.

As we are all aware, negotiations on the draft text were not easy. Guyana would like to commend all the delegations that participated for their demonstrated commitment to achieving a consensus text. This spirit of flexibility and compromise was particularly evidenced by developing countries, which negotiated constructively despite their very valid concerns at being inadequately represented during the Consultative Process.

We hope that future meetings of the Consultative Process will benefit from the full range of views on issues of concern to delegations. Topics of particular interest to delegations have been identified in the omnibus text; this should enable early preparation for the next meeting by both the Co-Chairpersons, as well as delegations. We particularly urge contributions to the trust fund, so as to enable the next meeting to be better informed of the views of experts from developing countries.

In our efforts at implementation and coordination, it is important to bear in mind one of the key underlying principles of the Convention: the oceans and their resources beyond the limits of national jurisdiction are the common heritage of mankind. Guyana remains committed to the continued implementation of the Convention to ensure the effective management and sustainable development of the oceans and seas. We join others in urging those States that have not yet become parties to the Convention and the Agreement implementing Part XI of the Convention to do so in the near future.

Mr. Aswar (Indonesia): At the outset, my delegation would like to express its appreciation to the Secretary-General for the comprehensive and informative reports on the item before us. They outline the extensive activities that have been undertaken and constitute a significant chronicle of the progress made during the past year. Allow me to also convey our gratitude for the untiring efforts exerted by the Division for Ocean Affairs and the Law of the Sea as well as other related institutions provided for by the United Nations Convention on the Law of the Sea. These endeavours have provided the necessary impetus for the effective implementation of the Convention, namely uniformity and consistency.

During the current year, three more States have ratified the Convention, bringing the number of States parties to 135. It is our earnest hope that this positive trend will increase and that the Convention will thus achieve its goal of universal participation. We urge the Member States that have not done so to consider ratifying the Convention. This historic document has created an essential legal framework for the peaceful use of the world's oceans and seas.

We are pleased to note that since the establishment of the institutions envisaged by the Convention, including the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf, these have recorded considerable progress. Indonesia will continue its active participation in the deliberations of these institutions and lends its support to strengthening their effectiveness.

It is a matter of satisfaction that the International Seabed Authority held its sixth session on from 3 to 14 July 2000 and considered several important issues, including the budget for the financial period 2000-2001, the rules of procedure of the Legal and Technical Commission, the adoption and provisional application of the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area, and the need to reach agreement on the number and distribution of seats on the Legal and Technical Commission. We hope that the International Seabed Authority will record further progress on the issue of signing contracts with pioneer investors.

It was indeed an auspicious occasion when the Tribunal's new premises were officially opened on

3 July 2000 in the presence of the Secretary-General and other high-ranking dignitaries. In the four years since its establishment, the Tribunal, which is composed of persons of recognized competence in the field of the law of the sea, has already handed down four decisions, thereby encouraging Member States to resolve their disputes peacefully and without undue delay.

We also acknowledge with appreciation the smooth implementation of the Agreement on Cooperation and Relationship between the United Nations and the Tribunal, as well as the steps taken to extend the jurisdiction of the United Nations Administrative Tribunal to the staff and members of the Registry of the Tribunal. We also commend the efforts of the Division for Ocean Affairs and the Law of the Sea for promptly placing the records of the Tribunal and the verbatim transcripts of the hearings of the cases before it on the Web site of the United Nations.

As to the Commission on the Limits of the Continental Shelf, we are pleased to note its efforts in focusing on training to assist coastal States, especially developing nations, in preparing their submissions to the Commission. Equally important are its discussions concerning the methodology for dealing with these submissions at the subcommission level.

We welcome the growing awareness of the oceans and their resources. The conservation and sustainable use of living marine resources are of critical importance to both present and future generations. Similarly, it is beyond doubt that an enhanced sustainable yield from the oceans is central to ensuring prosperity for peoples that depend on resources from the sea for their livelihood. In order to develop a comprehensive framework for the effective management of their ecosystems, developing countries have to be enabled to become equal partners through cooperation, partnership and development. In this way, developing countries will be able to participate effectively in the acquisition of an equitable share of the resources of the oceans.

The preservation of the marine environment has been one of Indonesia's national priorities since the early 1980s. Indonesia's efforts to protect the marine environment have been further strengthened by the ratification of a number of international conventions. It is also a party to various regional treaties to combat oil pollution. In support of its ratification of the conventions, the Indonesian Government has promulgated legal instruments ranging from basic environmental laws to fisheries as well as laws concerning the exclusive economic zone and the conservation of living resources. While recognizing the complexity of the issues at hand and the need for better coordination and management of the marine environment, it has already initiated a range of programmes that are indicative of its commitment to the sustainable use of coastal resources.

The General Assembly, at its fifty-fourth session, decided, consistent with the legal framework provided by the United Nations Convention on the Law of the Sea and the goals of chapter 17 of Agenda 21, to establish an open-ended informal consultative process to enhance coordination and cooperation on issues relating to oceans and seas at the intergovernmental and inter-agency levels.

In this regard, my delegation has noted with interest the report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its first meeting, held earlier this year. The fact that consensus was achieved on a number of issues to be placed before the General Assembly for further consideration was a good beginning for future deliberations. We believe that the process has an important role to play in identifying issues of concern and in according priority to the actions that need to be taken at the global, regional and national levels. Furthermore, the ongoing discussions should not pre-empt other forms of deliberation. Rather, these consultations should be aimed towards promoting cooperation and coordination among institutions within the United Nations system as well as providing adequate coordination with the Meeting of the States Parties.

The draft convention for the protection of the underwater cultural heritage is another achievement in the creation of a legal framework in that area aimed at preserving that heritage for the benefit of humankind. We commend the United Nations Educational, Scientific and Cultural Organization (UNESCO) for its tireless endeavours and remain confident that governmental experts will conclude their work on the draft at the earliest possible time. The new instrument should complement the relevant provisions of the Convention, in particular those concerning the rights of sovereign States and the jurisdiction of coastal States.

Crimes at sea, especially piracy and armed robbery, pose a threat to the security of coastal States, the safety of navigation and seafarers. In this regard, cooperation at all levels should be intensified. The International Maritime Organization (IMO) also has an important role to play in preventing and combating crimes.

Finally, in my delegation's view, the Convention's standing as one of the historic landmarks in the consolidation of law and order in the area of the oceans and seas is in keeping with the loftiest ideals of justice and respect for the interests and rights of every State and its peoples. It is therefore our collective obligation to ensure that in the years to come future generations benefit greatly from the living and non-living resources of our oceans and seas, within the parameters of the legal framework established by the Convention.

Mr. Lippwe (Micronesia): At the outset, I would like, on behalf of the Federated States of Micronesia delegation, to associate ourselves with the statements made earlier by the representative of Samoa on behalf of the Alliance of Small Island States and by the representative of Tonga on behalf of the Pacific Island Forum countries at the United Nations.

I thank Mr. Hoikeri for convening this meeting on such an important and vital subject. My delegation is very grateful for the diligent work of the Secretary-General and welcomes his useful report on this agenda item. We acknowledge also the very important work carried out by the Division for Ocean Affairs and the Law of the Sea.

Since we last discussed this agenda item at the fifty-fourth session of the General Assembly, we are pleased to note significant progress in this area. In particular, the successful convening of the United Nations Open-ended Informal Consultative Process on Ocean and the Law of the Sea at its first meeting earlier this year is a significant achievement and a step in the right direction for the United Nations in its efforts to review developments in the area of ocean affairs. The States Members of this United Nations must continue to lend their support to this process if we are to achieve true and meaningful discussions on an important common heritage of mankind — the oceans.

My delegation also welcomes the signing of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, made pursuant to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. Implementation of this new Convention ensures the rational conservation, management and, thus, sustainability of migratory fish stocks in the Convention Area.

My delegation commends the cooperation and goodwill shown by our fellow Pacific Island nations in the negotiations of the Convention. Most notable is the participation of small island countries like my own. For them, participation constitutes a great compromise of exclusive rights previously gained through the exclusive-economic-zone regime of the United Nations Convention on the Law of the Sea (UNCLOS). Also, for many if not all of the small island parties, the resource over which they are sharing exclusive rights with others is the single most economically significant one and the only resource over which our economic future can be assured. In cooperating, and even sacrificing so that our fellow men may benefit, we hope that others will also cooperate with us by paying greater attention to the many plights of small island countries.

My delegation knows too well the significance that the ocean plays in the lives of our own people. Our history began in the days when man explored seas in rafts and canoes. We who remain continue to rely heavily on the bounties of the ocean and are proud guardians of this heritage for our common humanity.

Despite all the efforts undertaken by the international community, the state of the oceans remains precarious. Indiscriminate destruction of ocean resources by large-scale pelagic drift-net fishing, while generally on the decline, remains a threat to marine living resources. This activity is clearly in contravention of the terms of the moratorium agreed to by the international community in General Assembly resolution 46/215. We call upon States that have not done so to take immediate and effective measures to ban illegal drift-net fishing.

The incidence of unauthorized fishing in zones of national jurisdiction and on the high seas, and of illegal, unreported and unregulated fishing continue to be of concern to my delegation. The vast exclusive economic zone under my country's jurisdiction, rich in

fish resources and one of the principle resources for the economic development of my country, requires careful management and monitoring to address illegal, unregulated and unreported fishing. My country, like any other small island developing State, simply cannot act alone, but requires the cooperation of other States to take greater enforcement measures to ensure that their vessels do not fish in areas of national jurisdiction. To maximize effectiveness, States must ensure that, even when their vessels are authorized to fish in areas of national jurisdiction, they comply with the terms of that authorization. We support the draft resolution now before this Assembly on large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments, and we urge all delegations to actively support it.

Having made this plea, my delegation would like to note its concern over the issue of fisheries by-catch and discards. While by-catch and discards are understandably the result of untargeted or incidental catches — call them collateral victims of fishing methods, if you will — the issue is nevertheless one that deserves a greater focus of attention. Some of the fish species that usually constitute by-catches and discards — especially the smaller species, which are easily catchable — are important to the daily diet of island people. What may be discarded by some as unsuitable for commercial mass consumption are actually important to the subsistence livelihood of island people. Therefore, we should not squander this God-given food resource just because it ends up in the wrong net. Instead, the international community should strive more strongly to minimize the incidence of collateral catches in fisheries in order to conserve resources and ensure biodiversity.

We are encouraged by the heightened international attention to the needs of small island developing States in their capacity-building process. Key to increasing the effectiveness of the United Nations and the international community in dealing comprehensively with ocean issues is strengthening the capacities of these countries who together control a vast portion of the Earth's ocean. We note the call made in the draft resolution contained in document A/55/L.10 for the establishment of trust funds to provide training for technical and administrative staff, particularly of the least developed countries and small island States, as well as to facilitate their participation at the meetings of the Consultative Process.

We suggest that assistance not be limited to attendance at the Consultative Process, but should include other law-of-the-sea bodies, such as the International Seabed Authority, where meetings continue to be sparsely attended by small island States, due to financial difficulties. As stewards and stakeholders of these resources, our participation in these processes is a critical element if we are to effectively combat the many daunting issues affecting our world's ocean.

My delegation also welcomes the use of the trust funds to assist small island States in their submissions to the Commission on the Limits of the Continental Shelf. As a small island State with meagre resources and limited technical know-how, my country requires the assistance of the international community, both in terms of financial and technical support, to meet its obligations under UNCLOS. We therefore call for the generous support of the developed countries and donor community to contribute financially or otherwise to the trust funds.

Last but not least, noting the significant trend towards universal participation and adherence to the legal regime established by the Convention, we reiterate the call by many other delegations for those States that have not ratified it to do so. As the United Nations continues to seek effective means to preserve an important heritage of mankind, our ability to preserve it successfully depends to a large extent on the ratification and implementation of the Convention and its associated instruments.

Mr. Tarabrin (Russian Federation) (*spoke in Russian*): Russia has consistently called for a higher profile for the role of the United Nations Convention on the Law of the Sea as an important universal instrument of international law, established to develop cooperation between States for the sustainable use and exploration of the oceans and their resources.

We welcome the growing number of parties to the Convention and the fact that its institutions — the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf — are becoming more and more active. Their activities strengthen the effective and consistent application of the standards of international marine law, and it is important that we

should provide for making the broadest possible use of these institutions.

We also welcome the fact that voluntary funds are being set up partly in order to strengthen the work of States, particularly developing States, and to make it easier for them to enjoy their rights and fulfil their obligations in the work of the Commission on the Limits of the Continental Shelf. We share the concern of the Secretary-General that domestic law is often at odds with the standards enshrined in the Convention. We are also concerned about the activities of certain international entities targeted at changing the legal regime established by the Convention, particularly the principle of an exclusive economic zone.

The Russian Federation calls for the preservation of the integrity of the high seas regime established under the Convention. It is our view that any attempt to tackle law of the sea problems separately from that regime will have an adverse effect on our universal regime to regulate the oceans. We are also against any significant deviations from that regime when new international agreements on the use of and exploration for living and non-living marine resources are concluded. We believe that coordination on the basic aspects of international law regulating marine activity should remain at the centre of the attention of the General Assembly in its discussions.

There is serious concern over illegal trafficking in weapons and drugs and illegal migration using the high seas. Piracy and armed robbery must also be met with a decisive international rebuttal. We welcome the fact that the effort to combat transnational organized crime has been stepped up, in particular the measures which have been adopted in this respect by the International Maritime Organization. We consider it most timely that during the Informal Consultative Process on marine matters we should discuss coordinating and cooperating to combat piracy and armed robbery.

No less important if we are to establish peaceful, sustainable economic activities on the high seas is tackling the problem of how we are to preserve the marine environment while managing and protecting our marine resources. The Russian Federation views these provisions of the Convention and of Agenda 21 as a programme that provides for sustainable development of seas and oceans at the national, regional and the global levels. Nevertheless, we cannot fail to be seriously concerned about the problem of implementing these international instruments and in particular about the fact that many developing countries, particularly the least developed countries and the small island States, do not have the necessary material and financial resources, or indeed the scientific and engineering potential, to fully implement the Convention and Agenda 21. In this respect, we support the appeal to organizations that offer international development assistance to concentrate particularly on establishing in developing countries the economic, legal and scientific infrastructures that they need to make sustainable use of the oceans and their resources and also effectively to enjoy their rights and implement their commitments as laid down in these documents.

We consider that we should also tackle this issue, as provided for in draft resolution A/55/L.10, by discussing how to enhance international cooperation in the field of marine scientific research and the transfer of marine technology, consistent with the principles and criteria enshrined in the Convention.

On the subject of the problems of large-scale pelagic drift-net fishing and the related issues of sustainable management of our living marine resources and their conservation, we would like to stress that the depletion of living resources in some parts of the oceans and the emergence of new serious threats to the environment all go to make the defence of the marine environment and its effective and balanced conservation a priority task for the international community.

In 1997 the Russian Federation was one of the first nations to ratify the Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. We view this Agreement as an important staging post in the implementation of the Convention and as a compendium of international standards laying down the parameters for cooperation between States with regard to fishing and the conservation of fish stocks. For us it is a matter of exceptional importance that the Agreement should enter into force as soon as possible, with a broad partnership of States, and be effectively implemented in order to conserve and manage straddling fish stocks and protect the marine environment.

At the national level we have adopted an integrated series of measures to implement the Code of

Conduct for Responsible Fisheries and the Agreement on straddling fish stocks. The Russian Federation, in full compliance with our national fishing regulations, does not carry out any type of commercial drift-net fishing at all. We call for the adoption of targeted measures for the rational use of our fish resources, including by decreasing the intensity with which we fish. Russia supports the approval by the United Nations Food and Agriculture Organization Committee on Fisheries of the international plans of action for reducing the incidental take of seabirds in longline fisheries, for the conservation and management of sharks and for the management of fishing capacity.

Another priority for us is the effort at all levels to combat smuggling and illegal, unreported and unregulated fishing. For that reason we support the contents of draft resolution A/55/L.11, under agenda item 34(b), as an appeal to all States and international organizations with appropriate jurisdiction to take action to deal with such illegal and unregulated fishing.

The General Assembly's annual overview discussion of the issues of oceans and the law of the sea gives Member States the opportunity to state their views on those topics which are most urgent. The oceans and the seas are different and special when it comes to the need for international coordination and cooperation, and they require a comprehensive global approach to the consideration of their legal, economic, social and environmental aspects.

In this respect, Russia, as a great sea Power, sets great store by what happens on the high seas and intends actively to continue its support for the drive to improve cooperation between States in the exploration and use of the oceans and seas and to further strengthen the international legal regime established by the United Nations Law of the Sea.

And, finally, may I say how highly we appreciate the Secretary-General's report contained in document A/55/61 and we are also grateful to those members of the Secretariat who deal with the law of the sea for all their hard work to produce this document.

Mr. Donigi (Papua and New Guinea): I am deeply saddened by the recent death of Mr. Justice Lihai Zhao, a member of the International Tribunal for the Law of the Sea. I offer my Government's sincere condolences to the family of the late Judge Zhao and to the Government of the Peoples Republic of China.

I take the floor at this juncture in my capacity the President of the Tenth Meeting of the States Parties to the United Nations Convention on the Law of the Sea.

The Registrar of the Tribunal will soon be calling for nominations to fill the vacant seat on the Tribunal pursuant to the provisions of Annex VI to the Convention on the Law of the Sea (UNCLOS). Whilst there is a procedure for the calling of nominations, the Convention only requires the President of the Tribunal to consult with States parties in setting a date for the election. The next meeting of the States parties is scheduled for 14-18 May 2001. Member States may be requested to give due consideration as to whether or not there will be a need for scheduling a special meeting to elect a replacement judge or to wait until the scheduled meeting in May. At a time, when States parties are more cost conscious, it may be wise to schedule the election during the States parties meeting in May 2001 and not at an earlier date, especially when the vacancy will not unduly affect the work of the Tribunal.

The Tenth Meeting of the States Parties to UNCLOS was held from 22 to 26 May 2000. The meeting noted that Nicaragua had deposited its instrument of ratification and was scheduled to become the 133rd State party on 2 June 2000. I note also that Maldives and Luxembourg have since ratified the Convention, bringing the total to 135. The Convention is increasingly becoming a unique instrument of international law, as can be seen by the number of States that have became parties to it. The Convention is unique because it contains a set of criteria and principles outlining the understanding reached between States possessing the technological skills, expertise and equipment and those whose lives depend on the bounties of the oceans and the resources of the seabed. The priority agenda for the meeting was the draft budget of the International Tribunal for the Law of the Sea, the Financial Regulations of the Tribunal, the Report of External Auditors and the Rules of Procedure for the Meeting of State Parties, in particular Rule 53 dealing with decisions on questions of substance. Another matter dealt with at the meeting was a request by the President of the Commission on the Limits of the Continental Shelf to finance participation by members of the Commission from developing countries. The President of the International Tribunal for the Law of the Sea, Mr. Justice Rao, submitted the annual report of the Tribunal to the meeting and also

addressed the meeting. The Secretary-General of the International Seabed Authority also addressed the meeting.

The report of the Tenth Meeting of the States Parties to UNCLOS is contained in document SPLOS/60 dated 22 June 2000 and can be found on the web site of the Division for Ocean Affairs and the Law of the Sea.

I wish, through you, Mr. President, to extend my sincere gratitude to the members of the Division for their assistance, advice and support during the States parties meeting and the negotiations relating to the draft resolutions before the Assembly.

I draw the attention of members in particular to the following salient matters outlined in the Report.

The Tribunal has dealt with five cases, some involving provisional measures and others calling for more detailed analysis of the issues in dispute. Its orders and judgements have, on the whole, been followed by disputants, which attests to the importance of the Tribunal.

The budget of the Tribunal has been increased slightly, and I commend all delegations that participated in the negotiations and acceptance of the outcome.

A number of delegations proposed amendments to the Financial Regulations of the Tribunal during the meeting. The Meeting therefore requested the Secretariat to prepare a revised version of the Financial Regulations taking into account the proposals and the outcome of the discussions at the ninth and tenth meetings for consideration at the eleventh meeting.

The report of the External Auditors for the financial years 1998 and 1999 were submitted by the Registrar of the Tribunal and considered. The meeting took note of the 1998 External Auditors' Report and deferred consideration of the 1999 Report until the eleventh meeting as it had yet to be considered by the Tribunal.

The delegation of United Kingdom of Great Britain and Northern Ireland proposed the establishment of a trust fund to provide States with financial assistance in proceedings before the Tribunal similar to the one established for the International Court of Justice. The meeting agreed that such a fund should be established. I note with great appreciation that delegations participating in the negotiations on the omnibus draft resolution on the law of the sea have agreed to this proposal as contained in paragraph 7 of Annex I of the draft resolution contained in document A/55/L.10.

The meeting was informed that the Council of the International Seabed Authority had adopted the Financial Regulations of the Authority and that substantive progress had been made on the draft regulations for prospecting and exploration for polymetallic nodules. I note that since the meeting, the Council of the International Seabed Authority had adopted the regulations, thereby making it possible for the seven pioneer investors to execute contracts to carry out this activity within the Area. I note that paragraph 7 of the omnibus draft resolution deals with this subject. I urge all the pioneer investors through their respective member States to proceed to execute their respective contracts with the Authority, as soon as possible.

The meeting adopted a decision to recommend to the General Assembly the establishment of a voluntary trust fund for the purpose of defraying the costs of participation of the members of the Commission on the Limits of the Continental Shelf from developing countries in the meetings of the Commission. I am glad that this decision has been reflected in paragraph 20 of the omnibus draft resolution.

The meeting further decided to recommend to the General Assembly the establishment of additional voluntary trust funds for the purposes of: (a) providing assistance to States Parties to meet obligations under article 76 of the Convention and (b) providing training to countries, in particular the least developed among them and small island developing States, for preparing submissions to the Commission with respect to the outer limits of the continental shelf beyond 200 nautical miles, as appropriate. This decision is now reflected in paragraphs 9 and 19 and Annex II of the omnibus draft resolution. I wish to take this opportunity to especially thank the Government and delegation of Norway for their constructive approach and their work in drafting the relevant paragraphs and Terms of Reference, Guidelines and Rules which formed the basis of the negotiations leading to the finalization of the text contained in the omnibus draft resolution. Of concern to some delegations is the 10-year limit for compliance with article 4 of Annex II to UNCLOS. This will become a subject for an additional

agenda item for the eleventh meeting of the States parties. Discussions on decisions affecting questions of substance were deferred to the eleventh meeting. Some delegations were opposed to the proposal to introduce a weighted voting system on matters of substance. Likewise, a proposal to establish a finance committee for reviewing the budget of the Tribunal was also deferred to the eleventh meeting.

Extensive consultations were held in respect of a proposal by Chile for the inclusion of an item in the next Meeting of the States parties to be entitled either "Implementation of the United Nations Convention on the Law of the Sea" or "Issues of a general nature related to the United Nations Convention on the Law of the Sea". Divergent views were expressed at the meeting. It was agreed to include in the agenda of the eleventh meeting an item entitled "Matters related to article 319 of the United Nations Convention on the Law of the Sea".

Another matter that required further study was a proposal for an African institute for oceans affairs.

Since the tenth Meeting of State Parties, the Secretary-General of the United Nations, Mr. Kofi Annan, received, at a ceremony on behalf of the Tribunal of the Law of the Sea in the Free and Hanseatic City of Hamburg, witnessed by the Judges, the key to the new premises of the Tribunal. My Government — and I am confident the Governments of all participating States would want to join us — acknowledges and welcomes this gift from the Government of the Federal Republic of Germany.

In my capacity as head of my delegation, I endorse fully the contents of the statement by the representative of Tonga, His Excellency Ambassador Tupou, speaking on behalf of the Pacific Forum Group of Countries and on behalf of his own delegation.

However, I would wish to make a few comments. Many delegations have referred to the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, otherwise known by its acronym UNICPOLOS. The first meeting of UNICPOLOS produced some positive results. These were reflected in the omnibus draft resolution before us. My delegation specifically noted the active participation of delegations during the negotiations leading up to the finalization of the omnibus draft resolution now before this Assembly. We are confident that this renewed interest in the affairs of the oceans and its resources could not have come about without UNICPOLOS.

We look forward to the second meeting of UNICPOLOS, scheduled for early May 2001. The subject of marine science and development and transfer of marine technology and capacity-building in these fields are important to my Government, as it is the first Government to issue commercial exploration licenses for deep-sea exploration of the seabed within its national jurisdiction.

My delegation welcomes the rearrangement of meetings next year, so that UNICPOLOS will meet one week before the meeting of the States parties. The meeting of the States parties will therefore have the benefit of the outcome of the UNICPOLOS meeting prior to its deliberations.

Piracy and armed robbery at sea are also of concern to us. It is a problem among some of our neighbouring States. We are concerned that some of these illegal activities may affect our nationals and impinge on the area of our national jurisdiction. We therefore support any constructive debate to find solutions or develop appropriate measures to combat these illegal activities.

On the question of fisheries, we welcome the Convention on the Conservation and Management of Highly Migratory Fish Stocks in Western and Central Pacific Ocean, concluded in Hawaii on 4 September 2000. My Government participated for six years in the negotiations leading up to the conclusion of this Convention. We believe it is consistent with UNCLOS and the United Nations Agreement on Fish Stocks. We urge Governments that participated in the negotiations and have expressed reservations during the concluding phase to reverse their position and agree to be parties to the new Convention.

I have heard the reasons put forward by Australia this afternoon and found them to be overwhelmingly convincing in this regard. My Government also wishes to thank all those Governments that have contributed to the Hamilton Shirley Amerasinghe Memorial Fellowship Programme on the Law of the Sea. We are pleased that a young Papua New Guinean lawyer was the beneficiary of this fellowship this year, and we thank the contributing Governments for facilitating her study programme in Germany and with the Division for Ocean Affairs and the Law of the Sea here in New York. My delegation also wishes to join others in

congratulating Ambassador Satya Nandan on his unanimous re-election as the Secretary-General of the International Seabed Authority.

My delegation endorses both draft resolutions before this Assembly.

Mr. Al-Dailmi (Yemen) (*spoke in Arabic*): At the outset, my delegation expresses its appreciation to the Secretary-General for his comprehensive report, contained in document A/55/61, on the oceans and the seas.

The marine environment constitutes an economic and human priority for my country. It is a primary source of livelihood for many people in my country, especially on the eastern and southern coasts. Proceeding from this premise, my delegation maintains that, without compromising Yemeni laws, the United Nations Convention on the Law of the Sea is one of the cornerstones of the legal framework of sea and ocean matters because of its strategic importance as the framework for national, regional and international work related to the seas. The marine environment, including the oceans, seas and adjacent coastal areas, is an integral whole and represents one of the main components of the international system for the sustenance of life, providing basic resources for food security and continuity of economic prosperity for present and future generations. It is the international community's responsibility to provide the necessary framework to protect the marine environment from all dangers.

We wish to emphasize the importance of ecological systems in the seas and in coastal areas in combating poverty and achieving food security. Illegal and unregulated fishing is a violation of international law. We appreciate efforts made to control illegal and unreported fishing. All countries should have complementary mechanisms and measures in this regard. My delegation attaches great importance to cooperation and coordination at all levels — international, regional and national — since they are conducive to the preservation of ocean and sea resources and its necessary sustainable development. We are one of the countries that has signed the Convention — the Law of the Sea. We consistently participate in meetings and cooperate and coordinate with all the parties. Conflicts over territorial waters and islands are among the problems that impede development and the protection of marine life. We emphasize the view that conflicts should be settled peacefully, an approach adopted by my country in settling all conflicts with all our neighbours.

The Acting President: The General Assembly will hear the remaining speakers and will take action on draft resolutions A/55/L.10 and A/55/L.11 on Monday morning, 30 October, as the first item at 10 a.m.

Programme of work

The President: I should like to make an announcement concerning the programme of work of the General Assembly for the morning of Monday, 30 October, which appears in today's *Journal*. Draft resolutions A/55/L.14, A/55/L.17 and A/55/L.18, as well as draft decision A/55/L.3, are now available at the document distribution counters in the General Assembly Hall and in the first basement.

I should also like to announce two additions to the programme of work for the end of next week. On the morning of Thursday, 2 November 2000, the General Assembly will take up, as the second item, agenda item 179, entitled "Review of the problem of human immunodeficiency virus/acquired immunodeficiency syndrome in all its aspects", which was postponed from 3 October 2000. Members are aware that draft resolution A/55/L.13, under agenda item 179, has already been issued.

On the morning of Friday, 3 November 2000, as the second item, the General Assembly will take up agenda item 61, entitled "Strengthening of the United Nations system". Draft resolution A/55/L.19, under agenda item 61, has been circulated this morning.

I should also like to inform Members that next week, on Monday, 30 October 2000, document A/INF/55/3/Add.2, containing a revised tentative programme of work and schedule of plenary meetings of the General Assembly, will be circulated to delegations.

The meeting rose at 6.30 p.m.